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## 16

### Pay No Attention to The Men Behind the Curtain

If you are inclined to let other people fix this problem for you, please remember that “other people” are already hard at work to change your voting system to suit their own agenda and profit margin. These other people may have a different view of democracy from yours.

What are their plans? Let’s look behind the curtain at a secret meeting that took place at 11:30 a.m. August 22, 2003. Invitations were sent out to all the makers of computer voting machines and included the following agenda:

#### ***ITAA eVoting Industry Coalition DRAFT Plan, Activities, and Pricing***

*Purpose:* Create confidence and trust in the elections industry and promote the adoption of technology-based solutions for the elections industry. Repair short-term damage done by negative reports and media coverage of electronic voting. Over the mid- to long-term, implement strategy that educates key constituencies about the benefits of public investments in electronic voting, voter registration and related applications.

The Information Technology Association of America (ITAA) is a lobbying firm that specializes in getting special treatment for technology companies.

In this proposal, the ITAA is trying to get hired to provide assistance to Diebold, Sequoia, ES&S and other voting-machine vendors to get

the public to accept their products. Not to correct the flaws in their products, mind you, and not to do any type of “customer survey” to find out what we voters actually want. The idea is for these for-profit companies to define our democratic voting system and then invest in a PR campaign to show us that we like their system.

According to the ITAA, you should never use the word “lobby” because it has negative connotations in the mind of the public. Instead you should “educate key constituencies.”

*Audience:* Public confidence in the integrity of the ballot box is absolutely critical to the democratic process. To build such confidence, the vendor community must address several constituencies:

1. Media
2. Elected officials at the federal, state and local level
3. Elections administrators, procurement officials and others involved in the purchase decision
4. Academia
5. General public
6. International counterparts
7. Systems integrators and related government contractors

*Note that the general public, the people who actually use and pay for these systems, is fifth on the list of constituencies, and that they “address” us, not listen to us.*

*Success Benchmark:* Achieve widespread acceptance among key constituencies that electronic voting is not just an alternative to other balloting systems, but is the ‘gold standard’ to which all should aspire.

They want to make insecure and unauditible voting systems a “gold standard.” Notice that no one has yet funded a \$200,000 lobbying effort on behalf of voter-verified paper ballots and auditing, but somehow hundreds of thousands of us got sold on that idea. Marketing the truth is not nearly as expensive as selling people something they don’t want.

Next, the ITAA suggests models to indoctrinate the public into accepting the voting systems they chose for us.

Model 1 - Goals:

1. Help assure the integrity of IT [information technology] used in the electronic voting process

*Sounds good, but this needs open-source software and a paper ballot, something most of the election industry rejects.*

2. Generate positive public perception of the eVoting industry

*Notice this is second on the list. Actually correcting the security problems is fifth.*

3. Speak with a unified voice on industry standards
4. Develop liaison with key constituencies in order to build broader support for e-voting
5. Improve security of technology and development/ deployment processes
6. Improve public awareness of voting technology security
7. Reduce substantially the level and amount of criticism from computer scientists and other security experts about the fallibility of electronic voting systems.

*Here's a better concept: Let's encourage computer scientists to continue to act like scientists so they can render an objective opinion.*

8. Adopt an industry code of ethics

*You mean there has been no code of ethics?*

9. Generate collaborative research on non-competitive issues

*I'm thinking this may involve research grant funding. We, the for-profit voting industry, hereby grant you, the once-independent scientist, a thick pile of money to underwrite your research. And we'd like the opportunity to make suggestions on what you study and how you study it and offer our expertise on the wording of your conclusions. See the pharmaceutical industry for examples.*

### Major Activities - Deliverables

1. Establish Blue Ribbon Task Force to evaluate voting technology development and implementation processes, propose process improvements, and establish code of ethics.

*We, the men and women behind the curtain, should own the Blue Ribbon Task Force that tells public officials and taxpayers what to think. (There's nothing wrong with evaluations and a code of ethics. I'd just like to see these developed by voters, not vendors.)*

2. Produce and publish collaborative research on noncompetitive issues - 2 annual white papers.
3. Assess public attitudes about electronic voting on a regular basis through public opinion surveys, focus groups and other research.
4. Hold seminar/briefings/webcasts on Blue Ribbon Task Force findings, code of ethics launch, white paper releases.
5. Create comprehensive media plan to articulate key messages, identify outreach strategy and tactics, synchronize timing of media outreach to election milestones and other significant events, and raise visibility of issues, activities and the ITAA Election Systems Task Force itself.

*Bring the media over to our way of thinking.*

To this end, it is interesting that Hart Intercivic, which helped organize this meeting, was one of the first beneficiaries of such a strategy. Let's take a moment to see "Deliverable #5" in action. Ellen Thiesen, a voting activist, noticed that a news story damaging to Hart Intercivic somehow got a midday rewrite.

### The first story:

#### **Voters encounter eSlate glitch<sup>1</sup>**

"...Those who showed up at the Holiday Inn at 7787 Katy Freeway to vote found that the eSlate machines that were supposed to make voting so much easier and more accurate were on the fritz. Instead, election judges were passing out sheets of paper torn in half, along with sample ballots, and telling voters to write in their votes.

"David Puckett said he sat down on the floor and spent 25 minutes scribbling down his choices while other voters just took the time to write in

their votes on the top races before dropping their homemade ballots into a pasteboard box. He said an election judge told him to write on the back of the paper if he ran out of room and then told him he might need to vote again this afternoon if the eSlate machines come back up. Then, Puckett said, the judges decided a second vote wasn't such a good idea.

"‘They're making up rules as they go,' he said. ‘It's unbelievable.’"

"Puckett's worried his vote won't count.

"‘I will come back if I need to. I want my vote to count,' he said. ‘It's my privilege. It's my duty. I want my people to win.’"

This version appeared a few hours later:

**ESlate voting proves smooth, not flawless<sup>2</sup>**

"...At the Holiday Inn Hotel at 7787 Katy Freeway, election workers decided to use paper ballots when they thought the eSlate voting machines were not working properly. About 75 makeshift ballots were cast — and signed.

"But the eSlates were not malfunctioning. Workers were entering incorrect information into the machines that assigned the wrong ballots to voters. David Puckett, who showed up shortly after 7 a.m., at first registered his vote on a piece of paper, but returned later to cast an eSlate ballot, concerned his initial vote might not be counted.

"‘This isn't Houston's finest moment,' he said. ‘You had to see it to believe it. Really, no one knew what to do.’"

"Elections officials said they would ensure that only one vote per person would be counted."

\* \* \* \* \*

Look, if the machines are too difficult for ordinary citizen pollworkers to operate, invent better ones or don't use them at all. Back to the ITAA plan:

6. Develop liaison to national associations, government oversight bodies, customer trade associations
  - a. Attend national conferences, work to add agenda items to programming
  - b. Arrange guests at briefings, monthly meetings, receptions
  - c. Arrange meetings with key government executives, lawmakers, staff.

*One question: While manufacturers of touch-screen voting invest wads of cash on influence-peddling, who speaks for the voter?*

7. Provide customer interface opportunities
  - a. Arrange guests at briefings, monthly meetings
  - b. Develop a regular dinner, reception program.

*You mean like vendor-sponsored party boats?<sup>3</sup> “Customer interface opportunities” has a nice ring to it — it certainly sounds better than “influence-peddling” and “perks and cash contributions.”*

*Fees in addition to annual dues: \$100,000 - \$125,000*

*For sale: One 227-year-old democracy. Asking price: \$100,000 - \$125,000.*

Model 2 - Goals: Same as Model 1.

Plus: Perform a detailed evaluation of voting technology security standards and certification processes.

*They will give themselves a check-up. But with \$3.8 billion in Help America Vote Act (HAVA) money at stake, my bet is that they’ll pronounce themselves healthy.*

Major Activities - Deliverables: 1 - 7. Same as Model 1.

8. Retain consulting firm or think tank for review and evaluation of voting technology security standards and certification processes. Publish findings/recommendations.

*They want to have people they hire make recommendations about independent oversight procedures.*

Meeting/Events

1. Hold monthly meetings in Washington D.C. or Dallas area
2. Hold bi-annual full membership meetings

*Fees in addition to annual dues: \$125,000 - \$150,000*

Model 3 - Goals: Same as Models 1 and 2.

Plus: Perform a detailed evaluation of voting technology security standards and certification processes.

Plus: Re-engineer voting technology security standards and certification processes, based on findings in report.

*This is nice, but here is something that would be nicer: Instead of voting-machine vendors doing their own evaluation, how about an entirely independent evaluation by people who aren't vested interests and don't have \$3.8 billion at stake.*

Plus: Build media, public, and customer awareness of new security and certification processes.

*Issue lots of press releases.*

Major Activities - Deliverables: 1 - 7. Same as Models 1 and 2.

8. Retain consulting firm or think tank for review and evaluation of voting technology security standards and certification processes. Publish findings/recommendations.

*Are they hoping no one will notice they are repeating #8 above?*

9. Implement report findings/recommendations; reengineer security standards and certification processes.

10. Launch public relations campaign to build media, customer, and public awareness of new security and certification processes.

*Well, actually, 8-10 are pretty much the same as what they do in Model 2, but they are charging more money for it.*

Meeting/Events

1. Hold monthly meetings in Washington D.C. or Dallas area

2. Hold bi-annual full membership meetings

*Fees in addition to annual dues: \$200,000+*

Schedule: With the Iowa caucuses (and therefore the start of the primary season) only five months away, time is exceedingly short to implement this plan. Americans must have full faith in the efficacy of the election systems infrastructure. Numerous factors, including the overarching need to conduct the 2004 election with no "hanging chad" controversies, suggest that work commence with a minimum of delay.

ITAA is ready, willing and able to work with firms in the election systems sector to build and, as necessary, restore, a high degree of confidence in

the integrity of e-voting and related applications.

*Notice they want to restore “confidence in the integrity of e-voting and related applications” as opposed to wanting to restore “integrity in e-voting and related applications.”*

ITAA provides an ideal forum to undertake this program, offering:

- a sophisticated government affairs and public relations apparatus
- over 20 years of industry engagement in public sector contracting;
- the premier trade association membership of contractors involved in the federal systems marketplace;
- an on-going state and local advocacy program; They have connections in high places. They have connections in low places.
- an existing Election Systems Task Force and internal staff resources well schooled in the underlying issues;
- and a track record of lobbying for federal funding to upgrade state and local electronic systems.

ITAA applauds the companies involved at the Election Center meeting for having the vision and determination to address the current doubts about election systems on an industry basis. Working together, ITAA believes that these companies have already taken the first step to meeting the common challenge.

*It’s going to make them millions of dollars; certainly that’s worthy of applause. Perhaps a few billion if they play us suckers ... er, I mean if they “educate these key constituencies.”*

\* \* \* \* \*

Shortly after this agenda was sent out, a secret meeting was held under voting-vendor-style “strict security,” which means that only two reporters and *Black Box Voting* publisher David Allen managed to slip into the teleconference unnoticed. Allen, at least, introduced himself.

“David Allen.”

No one knew who he was, but no one asked, either.

The meeting appeared to have been set up with the help of R. Doug Lewis (executive director of The Election Center) and Hart Intercivic (a voting-machine company). Why someone in Lewis’s position was setting up a lobbying meeting for voting-machine vendors is a matter of some curiosity.

From The Election Center's Web site: "The Election Center is a nonprofit organization dedicated to promoting, preserving, and improving democracy. *Its members are government employees* whose profession is to serve in voter registration and elections administration."

Perhaps colluding with for-profit companies and helping them hire a lobbying firm is in the spirit of this organization's charter — and since we aren't quite sure who set it up, how it gets all its funding or who exactly appointed R. Doug Lewis, his murky relationship with vendors and lobbyist might be exactly what they had in mind.

Lewis droned on about this being a long time coming and the need for the industry to "speak with one voice."

Harris Miller (ITAA) gave an introductory spiel about the firm and how it could help the industry "stave off short-term attacks" from academics and activists.

Apparently a meeting had been held in Florida the previous week to discuss how to broaden the base of support for e-voting.

A question was asked about how the ITAA can help the industry speak with one voice. Miller said this meant helping voting vendors establish their own certification standards and "coming to the defense of a company under attack." If anyone missed chapters 9 through 13, we presume this was triggered by Diebold's embarrassing blunders. He then added, jokingly (we hope), "unless you want use your knives on him as well."

Allen says he did not hear a peep from Diebold during the whole call. Miller also touched on the need to establish a "blue-ribbon" panel to help refute problems such as Diebold was having. One assumes this blue-ribbon panel will fill the same role for the black-box voting industry that the Tobacco Institute filled for the tobacco industry.

Because the conference was by telephone, it wasn't always possible to know who was speaking. One individual asked whether the lobby would be addressing Internet voting, which he described as "a train wreck waiting to happen." The ITAA said it was not on the agenda.

The ITAA said that it could help get academics and critics "on our side" (one assumes, then, since Lewis was involved in setting the meeting up, that he is on the side of the vendors). Miller did admit that some critics are unappeasable.

The ITAA felt the industry should help create its own credibility by setting high standards.

He said that working with the National Institute of Standards and Technology (NIST) is desirable; however, he said he assumed that if NIST mandated an oversight committee chaired by Dr. David Dill, “no one would want to play.”

The ITAA suggested “re-engineering” the certification process to eliminate “side attacks vendors are subject to now” from people who “are not credible as well as people who are somewhat credible.”

## **The Election Systems Task Force**

One participant wanted to know if the “Election Systems Task Force” (who?) would be reconstituted or reformatted.

Though I can find out nothing about this group on the Internet, the answers to this question were illuminating.

A voice, apparently belonging to R. Doug Lewis, said that they have been “more focused on the HAVA legislation but would be interested in meeting with this group.” He went on to explain that the major companies involved in the Election Systems Task Force are Northrop Grumman, Lockheed Martin, Accenture and EDS (defense contractors and procurement agencies).

The goal of the Election Systems Task Force, he said, was very limited, because they just wanted to get the HAVA legislation enacted to create more business opportunities for themselves as integrators. Their agenda for HAVA, he said, was, “How do we get Congress to fund a move to electronic voting?”

As mentioned earlier, more than one guest attended the meeting. When I heard this astounding admission, I wanted more documentation. I will tell you this much: I listened to it myself, and this part of the conversation sounds even worse on tape. HAVA was pushed through to create business opportunities for defense contractors and procurement companies. *HAVA = Let’s-make-a-buck-on-a-vote.*

In the segment I listened to, they mentioned that there were about twelve members of the Election Systems Task Force.

## **Anti-trust concerns**

Lewis suggested that the ITAA draft a legal brief to address possible antitrust ramifications so that members of the new group would know what they could and could not do. The ITAA said it would do

so at the first meeting of the new group.

Returning to the topic of collusion a while later, Lewis suggested:

“One of the things that you ought to do is at least employ the ITAA to draft a legal memorandum that says under what conditions you guys can meet together ... and pay them for that ... and maybe even pay them for hosting this sitdown that you want to do to figure out your interests. Then make your determinations on whether you want to go forward with a specific proposal.”

*ITAA:* “You don’t even have to pay us for it ... and I appreciate Doug ... you are trying to look after my checkbook. I’m willing to come to a meeting wherever and have a couple of staff people come down and eat a couple of grand to do that. I won’t do a hundred-page legal memo.”

*Another voice chimed in:* “Clearly one of the themes going around is related to collusion among industry sources, so any meeting of all the players is, by definition ... unfortunately taken by some people as not a constructive exercise, but one of negative exercise. So, it would probably be best, as Doug suggested, that it would be better that we pay you to do that.”

*Miller:* “OK.”

*Another meeting participant:* “That way, no one would perceive you weren’t an independent body.”

*Miller:* “OK.”

Lewis appeared to recognize that this business of looking after the ITAA’s checkbook might put him on shaky ethical territory:

*Lewis:* “In that regard, other than helping you get set up and acquainted with each other and willing to start this process, while we are still in the quasi-regulatory phase ... although the Election Center has no judgments it can issue in any way, shape or form on this ... the Election Center is going to need to bow out of this also. We’ll be glad to talk to you about anything you want to talk about and be a sounding board, but in terms of your organization and discussion of industry issues, we are probably best not being involved in that ... at least until we are no longer the place where we do work for NASED (National Association of State Elections Directors).”

## Let's talk about protection

MicroVote asked what would happen if a non-member (in other words, a voting-machine manufacturer who didn't pony up his money) got into trouble over some issue such as security. Would the Blue Ribbon Task Force remain mute, or would it turn into "a loose Star Chamber, where you have commenting vendors commenting on another vendor's situation?"

Miller said that normally the members would not comment on a non-member's situation "unless the industry came to the conclusion that it was negatively impacting the entire industry." In which case, he said, they would reiterate their standards and the coalition's code of ethics and say that they can't comment on the other company.

Nudge: "Any group who gets in trouble would hopefully join us to get out of trouble," Miller suggested. Hint: If you don't, you might be the next Diebold.

## Influencing certification

A representative of Accenture said that self-certification will be a "tough sell" to the public.

"We can't win the PR battle if ITAA tries to do an ITA's (independent testing authority's) job," he warned. "But I do think it is very important that the industry be more aggressive and more coordinated in the way that it gives input to the ITA process and the people who control the ITA process. They've solicited that input in the past, and I don't feel the industry has done a particularly good job of providing that input. And this is something I feel this industry can be a real conduit for."

Apparently, according to the men and women behind the curtain, our independent testing authorities should not be allowed to be *too* independent. Or, does providing "aggressive" input to the ITAs mean that they should have as little independence as possible?

The ITAA agreed that instead of involving themselves in an ITA-like certification process, they would bring in people "to re-engineer it."

## Even the lobbying is a secret

The ITAA made a motion that its goals and "deliverables" be agreed to. One participant didn't have his special decoder ring and raised

the objection that all goals had *not* been agreed to.

“I see no lobbying effort here, and secondly, I don’t think we have, as a group, set down and defined what we want before we run off and subscribe to the ITAA process,” said the voice. “We should sit down face-to-face before we spend \$150,000 and determine what we want as a group.”

Chet, from AccuPoll, weighed in: “Absolutely. Lobbying is an essential element for this industry.”

Miller explained: “We were too subtle by half. Our No. 4 goal, ‘develop liaisons with key constituencies,’ is a nice word for lobbying. We just didn’t want a document floating around saying the election industry is in trouble, so they decided to put together a lobbying campaign.”

He went on to boast about his lobbying experience.

“My background is I worked on Capitol Hill for ten years and ran a lobbying firm for ten years, before I took over here in ’95. A third of my staff has direct public-policy experience working on Capitol Hill. We are the most-quoted IT trade association in Washington. ... I can give you all the bona fides if you want them.

“I just don’t like to put it in writing because if this thing winds up in the press somewhere, inadvertently, I don’t want the story saying the e-voting industry is in trouble and decided to hire a lobbying firm to take care of their problem for them.”

But within half an hour, “this thing” wound up in *Scoop Media*.<sup>4</sup>

*R. Doug Lewis*: “The truth of the matter is you’re not on the same side of the issues when it comes to what you would lobby for. Some of you have a vested economic interest that it should get lobbied one way versus another.”

I’m not quite sure where Lewis is going with this. It sounds like Chet, from AccuPoll — which produces a paper ballot and runs on open-source software — might not be a member of the club when it comes to “speaking with one voice.”

Instead of Diebold’s PR spokesman, journalists will have to ask their questions of the lobbying firm’s PR person.

“Emmett” from Accenture learned that speaking with “one voice” to the media literally meant one voice:

*Emmett:* “In terms of the task force responding to media inquiry, does the task force handle that role, where someone becomes a spokesman for the group? If so, who does it?”

*Miller:* “The answer is ITAA. It usually goes out over my name, but we could add other companies if you wish. Let’s assume we wanted to respond to some attack. ... Assume another academic came out and said something against one particular company and the task force wanted to respond. The task force would put out a statement, ‘Harris Miller, on behalf of ITAA, says this is B.S.’... We would also invite other members of the task force to put in comments if they want. ... Normally the first person to put in a comment would be the chairman, and other companies would have a chance to comment ... and be included in the press release.”

*Emmett:* “So that’s the kind of protocol you have to deal with public debate.”

*Miller:* “Similarly, when we get press calls and the press says, ‘Joe Academic says your industry’s full of crap and doesn’t know what it is doing. What do you say, Harris?’ The reporters always want to know what are the companies saying?”

“And there can be two scenarios there: The companies may want to hide behind me, they don’t want to say anything — frequently that happens in a trade association, you don’t want to talk about the issues as individual companies. We have that issue right now with the Buy America Act, for example in Congress. No company wants to act like it’s against Buy America — even though they’re all against it. So I take all the heat for them.

“The other alternative is they say sure, my company wants to talk to them, my CEO, my PR director, whatever, I’ll send them over. Our PR people know this. We never give out the name of a company member unless we know the company wants to talk.”

*Emmett:* “All of that seems ... like currently useful for dealing with this kind of situation we’ve seen lately. It would be a big help.”

A big help for voting-machine makers, perhaps, but this means reporters will have to address questions to a spokesman for the spokesmen. For those of us who are voters, this seems equivalent to taking democracy’s pulse through two thick blankets.

## Fixing the price on democracy

Tracy Graham of Sequoia Voting Systems had a question about the cost on “deliverables.”

“Was that a per-member cost, or total cost?”

*ITAA*: “Total cost.”

Another participant wanted to know how annual dues would be calculated and learned that they would range from \$600 to \$44,000, depending on the company’s sales. Add that to the “deliverables,” which were going to cost from \$125,000 to more than \$200,000.

Everyone pays dues, it was decided; project costs would be split amongst the members of the task force as they see fit.

Miller explained that the fees would depend on what is done. If a “blue ribbon” panel is needed, then fees must be allocated to compensate the panel members. “You would have to pay for some meeting time, for these blue ribbon people, you might have to pay them a fee ... a minimal fee to attend a meeting.”

I guess having actual voters or regular citizens attend meetings would be out of the question.

*Graham* (Sequoia): “We must have a proactive strategy at this time to improve the overall perception in the industry, so we are absolutely supportive of this type of forum and action on behalf of the industry.”

*Jack Gerbel*, of Unilect: “We agree as well, with what Tracy said. This is very necessary to do.”

They proposed another conference call six days later, absent *ITAA*, to discuss whether to pay their dues and take their chances that the *ITAA* will come through on “correcting” the public perception of the problem.

Meeting adjourned.

\* \* \* \* \*

December 9, 2003: Advanced Voting Solutions, Diebold Election Systems, Hart InterCivic, Sequoia Voting Systems, Election Systems & Software and UniLect announced that they had formed a trade group, called Election Technology Council, under the banner of the *ITAA*.<sup>5</sup>

## Conclusion

Look, folks. Either we all get together to build the barn, or these people will build it for us and hire a marketing firm to tell us how much we like it.

I propose that we roll up our sleeves and get busy. It is my duty to tell you that as soon as we rebuild this one, we have to go over and help out some of the neighbors.

There are some who are using election-manipulation techniques to transfer a block of power to their friends. This is a business plan, or a form of organized crime, depending on how alarmed you are based on information you have put together yourself.

Manipulation of elections includes the following attack points:

- Strategic redistricting, ignoring normal timelines for reevaluation.
- Black Box Voter Registration: The HAVA bill wants us to do state-wide computerized voter registration, again with secret software produced by a handful of companies.
- Orchestrated vote suppression: Hiring “challengers” to confront voters in targeted areas; moving polling places at the last minute, “losing” the voter registration records for a percentage of targeted voters, booting up equipment late, or not having enough equipment in minority districts.
- Casting and counting the vote on manipulatable and insecure systems.
- Manipulating vote forecasting and calling races prematurely in the media, encouraging candidates to concede.
- Retaliatory recalls and “investigations” to unseat candidates who do not represent the choice desired by a few.

This book contains ammunition for the voting-machine issue. And if you think you are too small to be noticed, you’ve never had an ant crawling up your leg.

**Now go out there and take back your vote.**



### *Acknowledgements*

Wow. This book was a long, hard, scary piece of work. I could not have created a body of work like this without help, and it is not possible to list you all in the space provided. Thanks to Lynn Landes, and Linda Franz, and Rebecca Mercuri. To Richard Harris, who offered valuable counsel in so many ways. And to the Colliers, all of 'em, and Ronnie Dugger, and Peter Neumann, and Doug Jones, the pioneering voices of concern. To David Allen, who said of the private corporations that were throwing their weight around, "I've always wanted to be on an 'Enemies List.' And to Lex Alexander, a voice of encouragement when David Allen and I were shouting at one another. "It's understandable that you're feeling a little tense," said Lex. "We're just expecting you to save American democracy." To Roxanne Jekot, who spent hundreds of hours discussing documents and findings, and was a dear friend. And to DemocraticUnderground.com, perhaps my greatest source of inspiration and courage during the research and investigation phase. To Daniel Hopsicker, and Dan Spillane, and Jim Condit, and Brent Beleskey, and Mark Crispin Miller. To David Dill and Kim Alexander, and Greg Dinger and Denis Wright, and ParanoidPat, who never fails to make me laugh. To Alastair Thompson and Skinner, and Jeff Matson and gristy and punpirate. To Al Marzian and coalminer's daughter, bpilgrim and Faun Otter and Marian Beddill, and that quiet force in the background, Jack Maples. To pioneering Susan Marie Weber, and two of the gutsiest guys I know, Charlie Matulka and Rob Behler. To Dan Wallach, Avi Rubin, Yoshi Kohno and Adam Stubblefield, for having the courage to go public and apply solid credentials to the problem. To Angka, SoCalDem, abcdan, Cap, HarmonyGuy, Papau, Phoebe, Trogl and Zhade; Eloriel, and HeddaFoil. Thanks to Greg Palast, who offered his expert advice when I found the Diebold FTP files, and to William Rivers Pitt, who shared ideas and his own research, and Thom Hartman, who knows the perils of privatization better than anyone. To the honorables Dennis Kucinich, Jim McDermott, Rush Holt, John Conyers and Barbara Boxer. To Robin, who stepped in with a shoulder to lean, and Big John Gideon, the force on the forum. To the irrepressible Jim March, with his cleverness and great personal courage. To Andy Stephenson, a kick-ass researcher and a steadfast friend. I promised myself I'd quit when the page ran out.