

EX-CON

How Florida's "felon" voter-purge

In November the U.S. media, lost in patriotic reverie, dressed up the Florida recount as a victory for President Bush. But however one reads the ballots, Bush's win would certainly have been jeopardized had not some Floridians been barred from casting ballots at all. Between May 1999 and Election Day 2000, two Florida secretaries of state—Sandra Mortham and Katherine Harris, both protégées of Governor Jeb Bush—ordered 57,700 “ex-felons,” who are prohibited from voting by state law, to be removed from voter rolls. (In the thirty-five states where former felons can vote, roughly 90 percent vote Democratic.) A portion of the list, which was compiled for Florida by DBT Online, can be seen for the first time here; DBT, a company now owned by ChoicePoint of Atlanta, was paid \$4.3 million for its work, replacing a firm that charged \$5,700 per year for the same service. If the hope was that DBT would enable Florida to exclude more voters, then the state appears to have spent its money wisely.

Two of these “scrub lists,” as officials called them, were distributed to counties in the months before the election with orders to remove the voters named. Together the lists comprised nearly 1 percent of Florida’s electorate and nearly 3 percent of its African-American voters. Most of the voters (such as “David Butler,” a name that appears 77 times in Florida phone books) were selected because their name, gender, birthdate, and race matched—or nearly matched—one of the tens of millions of ex-felons in the United States. Neither DBT nor the state conducted any further research to verify the matches. DBT, which frequently is hired by the F.B.I. to conduct manhunts, originally proposed using address histories and financial records to confirm the names, but the state declined the cross-checks. In Harris’s elections-office files, next to DBT’s sophisticated verification plan, there is a handwritten note: “DON’T NEED.”

Thomas Alvin Cooper, twenty-eight, was flagged because of a crime for which he was convicted in the year 2007. Apparently this time traveler will cover his tracks by moving to Ohio, shedding his middle name, and changing his race. At least 300 “felons” on these lists were convicted in the future, a fact that did not escape state elections workers, who, in June 2000 emails headed “Future Conviction Dates,” termed the discovery “bad news.” Rather than release such perplexing data to the counties, Janet Modrow, the state’s liaison to DBT, suggested that “blanks would be preferable in these cases.” (The future felonies I found on these lists may simply be those the state neglected to erase; 4,918 other names have blank conviction dates.) The one county that checked each of the 694 names on its local list could verify only thirty-four as former felons. Some counties defied Harris’s directive: Madison County elections supervisor Linda Howell refused the purge list after she found her own name on it.

| | A | B | Voter Full Name | Voter DOB | Voter Race |
|-----|---------------|-----|--------------------------|------------|------------|
| 1 | Source Method | | SMITH, JC | 5/25/1978 | M BLA |
| 346 | DOE | SSB | NETTLES, MARY ANN | 11/14/1959 | F BLA |
| 347 | DOE | NAM | STEWART, ROBERT N | 8/18/1948 | M WHI |
| 348 | DOE | NAM | SEWELL, IMOGENE | 2/14/1951 | F BLA |
| 349 | DOE | NAM | WOODBERRY, MARIE | 4/8/1968 | F BLA |
| 350 | DOE | NAM | WOODBERRY, MARIE | 9/10/1927 | M WHI |
| 351 | DBT | NAM | REEDER, WILLIAM T | 9/29/1930 | M WHI |
| 352 | DOE | NAM | FAULK, JOSEPH CURTIS | 8/28/1960 | M WHI |
| 353 | DOE | SDL | HIGGINSBOTHAM, RANDALL J | 10/3/1931 | M BLA |
| 354 | DBT | NAM | DIXON JR, WILLIE G | 3/31/1949 | M WHI |
| 355 | DOE | NSD | WOODS, LAWRENCE LAMAR | 11/21/1954 | M WHI |
| 356 | DOE | NAM | ROBERTS, DUSTY EDWARD | 9/17/1959 | M WHI |
| 357 | DBT | NAM | BUTLER JR, DAVID RUSSELL | 8/8/1969 | M BLA |
| 358 | DBT | NAM | JACKSON JR, JOHNNY | 3/23/1962 | M WHI |
| 359 | DOE | NAM | THOMPSON, DOYLE TRAVIS | 4/26/1953 | M WHI |
| 360 | DOE | NAM | ALDRIDGE, LOYAL EDDIE | 9/5/1973 | M WHI |
| 361 | DBT | NAM | COOPER, THOMAS ALVIN | 12/19/1956 | M WHI |
| 362 | DOE | NAM | RAMOS, MIGUEL ANGEL | 6/3/1943 | M WHI |
| 363 | DOE | NAM | HALL, ARTHUR LEE | 12/28/1973 | F WHI |
| 364 | DOE | NAM | BARNES, SHANDA L | 2/11/1937 | M WHI |
| 365 | DOE | NAM | MCDONALD, WALLACE | 2/17/1971 | F WHI |
| 366 | DOE | NAM | MARTIN, MARY A | 5/13/1975 | M WHI |
| 367 | DOE | NAM | WILLIAMS JR, FRANK DEE | 6/23/1976 | M WHI |
| 368 | DBT | NAM | RODRIGUEZ, MICHAEL A | | |

N GAME

was itself felonious, by Greg Palast

Rev. Willie Dixon, seventy, was convicted of a crime in his youth, but one phone call would have told the state that it had already pardoned Dixon and restored his right to vote. On behalf of Dixon and other excluded voters, the NAACP in January 2001 sued Florida and Harris, after finding that African Americans—who account for 13 percent of Florida’s electorate and 44 percent of U.S. felony convictions—were four times as likely as whites to be incorrectly singled out under the state’s methodology. After the election, Harris and her elections chief, Clay Roberts, testified under oath that verifying the lists was the job of county supervisors. But the Florida-DBT contract (marked “Secret” and “Confidential”) holds DBT responsible for “manual verification using telephone calls.” In fact, with the state’s blessing, DBT did not call a single felon. When I asked Roberts about the contract during an interview for BBC television, Roberts ripped off his microphone, ran into his office, locked the door, and called in state troopers to remove us.

Johnny Jackson Jr., thirty-two, has never been to Texas, and his mother swears he never had the middle name “Fitzgerald.” Neither is there evidence that John Fitzgerald Jackson, felon of Texas, has ever left the Lone Star State. But even if they were the same man, removing him from Florida’s voter rolls is an unconstitutional act. Texas is among the thirty-five states where ex-felons are permitted to vote, and the “full faith and credit” clause of the U.S. Constitution forbids states to revoke any civil rights that a citizen has been granted by another state; in fact, Florida’s Supreme Court had twice ordered the state not to do so, just months before the voter purge. Nevertheless, at least 2,873 voters were wrongly removed, a purge authorized by a September 18, 2000, letter to counties from Governor Bush’s clemency office. On February 23, 2001, days after the U.S. Commission on Civil Rights began investigating the matter, Bush’s office issued a new letter allowing these persons to vote; no copies of the earlier letter could be found in the clemency office or on its computers.

Wallace McDonald, sixty-four, lost his right to vote in 2000, though his sole run-in with the law was a misdemeanor in 1959. (He fell asleep on a bus-stop bench.) Of the “matches” on these lists, the civil-rights commission estimated that at least 14 percent—or 8,000 voters, nearly 15 times Bush’s official margin of victory—were false. DBT claims it warned officials that “a significant number of people who were not a felon would be included on the list”; but the state, the company now says, “wanted there to be more names than were actually verified.” Last May, Florida’s legislature barred Harris from using outside firms to build the purge list and ordered her to seek guidance from county elections officials. In defiance, Harris has rebuffed the counties and hired another firm, just in time for Jeb Bush’s reelection fight this fall.

Greg Palast, who writes for Britain’s Guardian and Observer newspapers, investigated and reported on the 2000 election for BBC television’s Newsnight. His book *The Best Democracy Money Can Buy* will be published this month by Pluto Press.

| Felon State | Felon Full Name | Felon DOB | Convicted | n | Race |
|-------------|--------------------------|------------|-----------|------------|------|
| FL | SMITH, JC | 5/25/1978 | M | 8/12/1997 | BLA |
| FL | DOE, JANE | 11/14/1959 | F | 7/11/1996 | WHI |
| FL | STEWART, ROBERT NORMAN | 8/19/1948 | M | 2/5/1987 | WHI |
| FL | SEWELL, IMOGENE BREWTON | 8/14/1951 | F | 7/18/1988 | BLA |
| FL | WOODBERRY, MARIE | 4/8/1968 | F | | BLA |
| SC | REEDER, WILLIAM THOMAS | 9/10/1927 | M | | WHI |
| FL | FAULK, JOSEPH CURTIS | 9/29/1930 | M | | WHI |
| FL | HIGGINBOTHAM, SEAN DAVID | 6/16/1971 | M | 12/22/1994 | WHI |
| FL | DIXON, WILLIAM G | 10/3/1931 | M | 11/20/1981 | WHI |
| FL | WOODS, CLARENCE L | 3/31/1948 | M | 2/3/1992 | WHI |
| FL | ROBERTS, DUSTY EDWARD | 11/21/1954 | M | 10/12/1987 | WHI |
| IL | BUTLER, DAVID | 9/17/1959 | | | BLA |
| TX | JACKSON, JOHN FITZGERALD | 8/8/1969 | | | BLA |
| FL | THOMPSON, DOYLE TRAVIS | 3/23/1962 | M | 8/8/1983 | WHI |
| FL | ALDRIDGE, LOYAL EDDIE | 4/26/1953 | M | 7/18/1988 | BLA |
| OH | COOPER, THOMAS | 9/5/1973 | M | 1/30/2007 | BLA |
| FL | RAMOS, MIGUEL | 12/19/1956 | M | 5/30/1997 | WHI |
| FL | HALL, ARTHUR LEE | 6/3/1943 | M | 5/7/1970 | BLA |
| FL | BARNES, SHANDA LATAIN | 12/28/1973 | F | 6/3/1997 | BLA |
| FL | MCDONALD, WALLACE | 2/11/1937 | M | 6/12/1959 | BLA |
| FL | MARTIN, MARY A | 2/17/1971 | F | 11/2/1983 | WHI |
| FL | WILLIAMS, FRANK DEE | 5/13/1975 | M | 7/28/1999 | BLA |
| NJ | RODRIGUEZ, MICHAEL | 6/23/1976 | M | 6/28/1998 | BLA |