

## Voter Turnout or Voter Fraud?

*Interest Groups Push for Election Reform*

By Jonathan Bechtle

**Summary:** In 2004 liberal advocacy groups focused their activism on “getting-out-the-vote.” The groups typically urged all Americans to vote, but their real goal was more explicit. They wanted to count as many anti-Bush votes as possible. At what point did voter turnout become voter fraud?

On March 8 the *Washington Post* disclosed that George Soros has decided to help fund a state-of-the-art database that will collect and organize detailed information on millions of voters. The \$11 million project, to be called Data Warehouse, will have no connection to DNC chairman Howard Dean and the Democratic party, whose incompetence has earned Soros’s disdain. Instead, Harold Ickes, a former Clinton White House deputy chief of staff, will organize the project and he will encourage labor unions and liberal special interest groups to use its information. Data Warehouse is the first fruit of Soros’s Democracy Alliance, an attempt to create a liberal infrastructure (see March *Foundation Watch*) to rival the conservative movement. Ickes’ job will be to help unions and advocacy groups use its detailed up-to-date information on voters’ likes and dislikes to push their hot buttons and get them to the polls on Election Day.

This is not surprising, as American politics is increasingly focused on voter turnout. In the 2004 elections liberal advocacy groups were eager to defeat President Bush. They invested enormous amounts of time, money and energy into making voting “accessible” to anti-Bush voters. Groups like America



An ACORN protest in Washington D.C. In 2004 its employees were the subject of numerous reports of registration fraud in Ohio, Colorado, Florida, Michigan, Minnesota, Missouri, New Mexico, and Wisconsin.

Coming Together and Project Vote recruited volunteers, organized phone banks, and launched door-to-door voter registration drives. Once the groups targeted likely anti-Bush votes they aggressively attacked anyone who dared question the source or eligibility of those votes. They claimed that any challenge amounted to “voter intimidation” to “disenfranchise” Americans.

The groups showed much less regard for making sure that correct voting procedures were followed or that the vote count was accurate. Indeed, some went so far as to claim that President Bush’s election may have been the result of voter intimidation and disenfran-

chisement, and they demanded new laws to protect against allegedly widespread voter fraud. But they were notably silent when their own activities were called into question.

**April 2006**

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# OrganizationTrends

What follows is a case study of how liberal activist groups tried to increase the anti-Bush and anti-Republican vote totals in two states—Ohio and Washington. It's clear that groups that claimed to be nonpartisan wanted a partisan outcome. Both states featured close races where concern over voter turnout was high and there were many voting "irregularities." How the activist groups handled the voting issue shows that they were determined to affect the election's outcome. Their "election reform" agenda should make the public apprehensive about how they will approach the 2006 elections.

## America Coming Together

In mid-summer 2004 Ellen Malcolm, president of America Coming Together (ACT), and Harold Ickes, who headed up a complementary group called the Media Fund, announced plans to raise \$125 million for voter outreach. The two groups were set up as non-PAC (political action committee) 527 organizations (named after the section of the IRS tax code exempting them from the campaign finance laws). In theory, 527 groups are allowed to bring people into the electoral process as long as they do not collaborate with a political party. In fact, ACT and the Media

Fund were war chests for Democratic candidates.

Malcolm was president of Emily's List, a feminist pro-choice group, and Ickes had been a major figure in the Clinton White House with close ties to labor unions. They made no effort to hide their intent. Federal law restricts individual contributions to candidates to just a few thousand dollars and the new McCain-Feingold law puts heavy restrictions on individual contributions to political parties. But there are no legal restrictions on making donations to a 527 group. The sky's the limit. Ickes said, "We think most donors have maxed out on their federal contributions. We are the backbone of the on-the-ground operations here."

All told, the two groups collected and spent over \$200 million during the election to defeat George W. Bush. [See [www.crp.org](http://www.crp.org)] The most notable donors were George Soros, who gave \$19.5 million (he gave another \$4 million to six other 527 groups, including \$2.5 million to MoveOn.org). Soros's friend Peter Lewis gave \$19 million.

ACT and the Media Fund poured their money into efforts to increase the Democratic vote. In Ohio, local Democrats even dropped their own voter registration efforts and relied instead on the ostensibly nonpartisan lists ACT collected. Denny White, chair of the state Democratic party, tried to maintain the façade of separation required by law. He said, "There is no coordination. But we will spend our resources on communicating with Democrats' already in [ACT's] database."

Election security was not a high priority for ACT, which had 78 field offices and over 6000 employees at its peak. The group claims that it registered millions of new voters, but it also hired criminals convicted of violent crimes to conduct door-to-door voter registration drives in Missouri, Florida, and Ohio. During a door-to-door registration drive ACT workers might gather personal information like telephone numbers, driver's license numbers, and partial social security numbers. ACT admitted that felons might also have worked for it on voter registration in 14 other states.

After the Bush victory, ACT seemed to

fade away. However, the organization still reports having raised almost \$4.5 million for the 2006 election cycle and it claims ownership of a database of 65 million Democrats, an essential resource that is the "only way we'll beat the Republicans in 2006 and 2008." The ACT website now refers visitors to yet another Soros-funded 527 group called America Votes. It is sponsored by a coalition of some thirty groups, primarily labor unions (AFL-CIO, AFSCME, NEA, SEIU) and special interest groups (Sierra Club, Planned Parenthood, Association of Trial Lawyers of America). It is not yet clear whether and how America Votes will relate to the Data Warehouse and other such projects. But updating and refining the original ACT database is sure to be a major priority. Ickes has said that having out-of-date voter information is "worse than having no database at all."

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*ACT and the Media Fund worked to increase the Democratic vote -- "nonpartisan" groups wanting a partisan outcome.*

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**Project Vote**

Project Vote is another get-out-the-vote group. It was created by the radical group ACORN (Association of Community Organizations for Reform Now) and it is set up as a 501(c)(3) charity. Project Vote euphemistically identifies itself as "the top technical assistance and direct service provider to the voter engagement community." In 2004 Project Vote claims to have contacted over 2.3 million voters in a get-out-the-vote drive and to have registered over 1.15 million new voters. That sounds impressive, until you dig into the group's methods. Relying on low-paid organizers, Project Vote's registration drives in 26 states produced widespread criticism, allegations of fraud, and questions regarding the accuracy of its reports.

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*A coalition of liberal groups is attacking any election officials who try to investigate fraud in voter registration drives.*

*Led by Jesse Jackson, People for the American Way, the NAACP and other groups, the coalition claims that attempts to prevent fraudulent voter registration should be considered "voter intimidation" and "suppression."*

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ACORN makes a point of asserting that lawsuits brought against it have been rejected or withdrawn. But in 2004 its employees were the subject of numerous reports of registration fraud in Ohio, Colorado, Florida, Michigan, Minnesota, Missouri, New Mexico and Wisconsin. Project Vote denies that it deliberately orchestrated any registration fraud. But a stream of television and newspaper stories reported on the shady practices its workers used to register people to vote.

- Ohio officials received many registration cards turned in by ACORN workers that were filled in with similar handwriting and false addresses.
- A Colorado TV station reported that one woman admitted to forging names on registration forms to help her boyfriend earn \$50 from ACORN.
- Police in Minnesota found hundreds of signed registration cards in the trunk of a car owned by a former ACORN worker who was suspected of registering voters twice to double his fees.
- In New Orleans, ACORN workers registered 700 voters by signing up prisoners awaiting trial at the jailhouse.

ACORN is much like the mayor who offers a bounty for anyone catching rats and then discovers that his employees are raising rats to turn in to city hall. Surprise, surprise.

To make matters worse, taxpayers indirectly pay for these shady efforts. ACORN has a number of affiliates providing mortgage financing and counseling for low-income persons. The principal affiliate, the ACORN Housing Corporation, received over \$2.6 million in government grants in 2003-2004. Some state-based ACORN housing affiliates receive smaller amounts of government funding. With this base of taxpayer support, ACORN is free to channel its member dues funds and donor gifts to political activities. Despite its claim to nonpartisanship, ACORN ran a minimum-wage ballot initiative drive in the 2004 Florida election that, according to an internal memo revealed in a 2005 report by the American Center for Voting Rights, was run "to help defeat George W. Bush and other Republicans by increasing Democratic turnout..."

ACORN's partisan involvement in voter registration drives recently prompted the House of Representatives to take action. Last October it passed by a vote of 331-90 the 2005 Federal Housing Finance Reform Act, which provides more regulatory oversight over government-sponsored housing authorities. House Republicans added a provision to restrict federal housing grants to groups that have not participated in election-related activities in the past twelve months.

ACORN and a coalition of over 100 liberal nonprofits are mounting a campaign against what they call the "nonprofit gag rule" in the bill, now before the Senate. But ACORN has only itself to blame for its bad reputation. Its own conduct of voter registration drives led

to padding state registration rolls with fraudulent and double voters.

### **The Liberal Counter-Attack**

A coalition of liberal groups is attacking any election officials who try to investigate fraud in voter registration drives. Led by Jesse Jackson, People for the American Way, the NAACP and other groups, the coalition claims that attempts to prevent fraudulent voter registration should be considered "voter intimidation" and "suppression."

In the weeks leading up to Election Day, November 2, 2004, liberals first sounded their warnings about voter intimidation. On CNN Jesse Jackson announced, "The big issue in Florida is not whether we vote, the big issue is vote suppression." Democratic vice-presidential candidate John Edwards echoed Jackson. He said Republicans were "up to their old tricks...trying to keep people from voting."

Sure enough, on Election Day the reports of voter intimidation began to multiply—and they were heard most loudly in the swing

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state of Ohio. The outcry was the result of careful orchestration. The "Election Protection Coalition," made up of over 100 groups, including Project Vote, Common Cause, the NAACP Voter Fund, and People for the American Way, enlisted 25,000 volunteers to report on voting problems. Their mission: "Assist voters on the spot at more than 3,500 predominantly African-American and Latino precincts with a history of disenfranchisement in at least 17 states."

The activists resorted to alleging voter intimidation to tear down measures guaranteeing the security of the election process.

The Election Protection Coalition (EPC) filed lawsuits all over the country, claiming that laws to protect the ballot actually served to disenfranchise minority voters. (See page 5 for EPC list.)

### Ohio

Ohio, which George W. Bush won 51-49 over John Kerry, was a primary focus for the voter groups. Even before election day Ohio Secretary of State Ken Blackwell was hit with multiple lawsuits attacking his oversight of the contest. The suits concerned the appropriate use of provisional ballots, voter ID requirements, and a long-standing state law

that allowed citizens to challenge voters at poll sites. However, Blackwell has prevailed to date in nearly every case. Trial and appellate courts find no evidence that Ohio's election practices either intimidated or disenfranchised voters.

The activists tried to create a furor by claiming that minority voting in Franklin County (Columbus) was suppressed because the state failed to put enough voting machines at poll sites, resulting in long lines and voter frustration. In January 2005 Jesse Jackson announced that Ohio's election results were tainted: "In Ohio, the gulf between exit polls and counted votes is vast and glaring. Blatant discrimination in the distribution of voting machines ensured long lines in inner-city and working-class precincts that favored John Kerry, while the exurban districts that favored President Bush had no similar problems."

The Justice Department's Civil Rights Division investigated Jackson's charges—and it uncovered no discrimination. It did notice that the number of voting machines in the county was inadequate for the vastly increased number of voters. However, John Tanner, chief of the Voting Section of the Civil Rights Division, observed that there were fewer voters per machine in minority areas than in predominately white neighborhoods.

Political activists continue to make unproven claims about the Ohio election and demand "election reform." As recently as last October speakers at a conference on state election law continued to complain about voter intimidation and suppression. But repetition won't make the charges come true. No one has shown that Ohio's election laws are problematic or that election officials acted wrongly.

### Washington State

Things are different in Washington State. While the 2004 governor's race generated little national press attention, here was a case where the election really did have major problems. Everything that could go wrong did go wrong in the November election, where state attorney general Christine Gregoire ultimately was declared the elected governor. Her mar-

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A Re-Vote protest in Washington State. The 2004 gubernatorial race in the Evergreen state was plagued with major voting irregularities.

gin of victory was said to be 133 votes out of more than 2.8 million votes cast—except it wasn't that simple.

When the ballots were first tallied, Gregoire's challenger, Republican Dino Rossi, appeared to have won the governor's race by 261 votes. A mandatory recount required by state law subsequently reduced Rossi's margin to just 42 votes. That provoked Democrats to demand a hand recount of more than 2.8 million ballots. However, the law says the candidate who demands a hand recount must pay for it. Here Gregoire received some help: George Soros contributed a portion of the \$730,000 cost.

When the second recount was finished in December, Gregoire was declared the winner by 129 votes. A judge later increased the margin to 133 votes.

Normally, that would end the matter, but word of grave irregularities soon began to surface. The Evergreen Freedom Foundation (EFF), a free-market public policy group in Olympia, the state capital, began hearing complaints from election workers and observers about irregularities occurring during

the recount. EFF then initiated an independent investigation to determine whether the complaints were justified.

The result? The complaints were well justified, and the problems were far worse than

anyone had thought.

King County was the source of many mysteries, discrepancies, and clear instances of outright fraud that plagued Washington's 2004 elections. The county, which includes Seattle, accounts for one-third of all votes cast in the state. On at least ten occasions King County election officials found that ballots were unsecured and not in a tamper-proof location after the polls were closed. In nine of the ten instances, the officials simply added the ballots to the vote count.

King County election officials further admitted in sworn depositions that they deliberately submitted misleading ballot reconciliation reports. The reports are used to reconcile the number of voters with the number of actual ballots cast. But the officials didn't even know how many absentee ballots the county sent out and how many of those were returned. King County ultimately had 875 more absentee votes counted than the number of people who said they voted absentee. Officials just shrugged their shoulders and said they would do better next time.

Evidence also exists that voter registration occurred at state mental institutions and among Alzheimer's patients in extended care facilities. In addition, more than 1,400 felons

### Election Protection Coalition

- ACLU
  - AFL-CIO
  - American Constitution Society
  - Brennan Center for Justice
  - Common Cause
  - Demos
  - Lawyers' Committee for Civil Rights Under Law
  - League of Women Voters
  - Mexican American Legal Defense and Education Fund
  - NAACP
  - National Coalition on Black Civic Participation
  - People for the American Way Foundation
  - Working Assets
- (partial list)

### National Network on State Election Reform

- ACORN
  - Brennan Center for Justice
  - Center for Nonprofits and Voting
  - Common Cause
  - Demos
  - FairVote
  - Lawyers Committee for Civil Rights Under Law
  - League of United Latin American Citizens
  - NAACP
  - National Disability Rights Network
  - National Voting Rights Institute
  - Native Vote Election Protection Project
  - People for the American Way
  - Project Vote
  - Rock the Vote
  - Service Employees International Union
- (partial list)

whose voting rights had not been restored were allowed to vote, including one felon who voted absentee from his jail cell!

And here's a stunner. At least 55,175 ballots were "enhanced" in King County. That means election workers decided how voters *meant* to vote for governor, even when in some cases the voter did not select a gubernatorial candidate at all.

Finally, in five Washington counties 8,500 more ballots were counted as cast than there were voters credited with voting.

Despite the evidence of electoral mismanagement, illegal voting and possible voter fraud, there was no outcry this time from the so-called Election Protection Coalition. The activist groups did not protest the dilution of legitimate votes by illegal voters. Instead, they chose conspicuous silence or they remarked that little could be done about inevitable human error.

EFF and a few other state-level free-market groups were the only organizations that tried

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*The rejection of photo IDs is only one of many NNSER positions designed to reduce voter security in order to increase vote count. The agenda aims to trade ballot security for ballot simplicity.*

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to explain what had gone wrong in Washington's election. EFF president Bob Williams reminded audiences, "Free and fair elections are the lynchpin that holds this republic together. If we lose the integrity of our election system, we undermine the very survival of this country."

#### **American Elections: "Access" or Security?**

Activist groups are aggressively lobbying for "election reforms" to increase "access" to voting at the expense of ballot box security. These groups have formed the National Network on State Election Reform

(NNSER) to push their agenda. NNSER members include ACORN, Project Vote, Common Cause, People for the American Way and the Lawyers Committee for Civil Rights Under Law. (See page 5 for NNSER list.) Their proposals would reduce the safeguards that protect voters and secure the integrity of their ballots.

Requiring a photo ID has become a major point of controversy in the debate over election reform. In times past many polling officials counted on knowing their neighbors enough to weed out frauds. But in a world of transient populations and identity theft better protection is needed. That's why lawmakers have begun to consider requiring the presentation of ID cards to guarantee the identity of voters.

In 2005, Georgia and Indiana passed laws that require a photo ID to vote. The law in both states contains provisions ensuring that everyone has access to a free ID to prevent the possibility of voter disenfranchisement. But the NNSER claims that ID cards will prevent the elderly and the poor from voting. Its member groups have filed a lawsuit against the state of Georgia, arguing that IDs are akin to the hated poll tax once used to stop African Americans from voting.

Never mind that the only evidence the groups cite for disenfranchisement is anecdotal. Even Andrew Young, civil rights activist and a former Atlanta mayor, has said that free IDs would be a boon to poor minority families. The lawsuit is currently on appeal after the trial judge granted an injunction against enforcement of the Georgia law.

The rejection of photo IDs is only one of many NNSER positions designed to reduce voter security in order to increase the vote

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count—thus benefiting the coalition’s special interests. NNSER activists also endorse election-day registration, no-excuse absentee voting, and increased mail and provisional voting. They want to prevent citizen challenges of suspicious votes and they want to expand the right of felons to vote. While some proposed reforms, such as electronic voting security and better poll worker training, are certainly desirable, the aim of the overall NNSER agenda is to trade ballot security for ballot simplicity.

### What Can Be Done?

Fortunately, a national effort is now underway to increase the security of future elections. In February 2005 a new nonpartisan group called the American Center for Voting Rights (ACVR) was formed to make it easy to vote but tough to cheat.

ACVR has released a comprehensive report on incidents of election fraud and voter intimidation across the country. (The ~~carefully documented report is available at:~~ <http://ac4vr.com/reports/072005>). It examines alle-

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*The activities of groups like ACT, ACORN, the NAACP Voter Fund and MoveOn.org show up repeatedly in voter fraud reports.*

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gations of vote fraud made by both Republicans and Democrats against each other and it follows-up by describing what courts and other legal agencies and academic groups have concluded about these allegations. The report also tracks the many media reports in 2004 about voter registration fraud and election irregularities at the state level. The activities of groups like ACT, ACORN, the NAACP Voter Fund and MoveOn.org show up repeatedly in these reports. ACVR is chaired by Brian Lunde. He was a campaign chairman for the late Senator Paul Simon (when the Illinois Democrat ran for President) and he co-chaired Democrats for Bush in 2004.

Other groups trying to address the seri-

ous problem of voter fraud and election irregularities include the Evergreen Freedom Foundation (EFF) and the American Legislative Exchange Council (ALEC).

EFF has published a report on election “best practices.” These practices include requiring proof of citizenship at the time of registration, requiring presentation of a photo ID to vote, increased provisional ballot security, and better physical and electronic security for voting machines. EFF also supports putting sensible restrictions on the use of absentee ballots, which are a major source of fraud. ALEC, an association of 2,400 free market-oriented state legislators—one-third of all state legislators—has adopted the EFF report and encourages its members to implement its recommendations.

Yet another ally is the privately-organized Commission on Federal Election Reform, formed in 2005 and co-chaired by former president Jimmy Carter and former Secretary of State James Baker. After public hearings the 21-member commission made 87 specific recommendations for reforming our nation’s elections. They included requiring presentation of a photo ID, setting up paper audit trails on all electronic voting machines, restricting the distribution of absentee ballots, and other ideas pointing toward increasing election security. State legislatures have begun to implement the EFF and Carter-Baker Commission reforms as well as federal laws passed in 2002 to improve the security of U.S. elections.

Citizens understand the need for better security. A recent Washington state survey showed that over 70 percent of those polled believe the system is still flawed and that “reforms” to increase voter accessibility are not the answer. In Ohio, election activist groups, partly-funded by George Soros, put four election-related initiatives on the 2005 ballot. They would amend the state constitution to increase absentee voting and set dollar limits on campaign giving (without an index for inflation). Ohio voters soundly defeated all the amendments.

Groups like ACT, the Election Protection Coalition and NNSER continue to work to reduce the security of our elections, making vote fraud easier to commit and harder to identify. If they succeed, voter confidence in

our election system will plummet. The long-term result is best described by the Commission on Federal Election Reform: “Public confidence in the electoral system is critical for our nation’s democracy. Little can undermine democracy more than a widespread belief among people that elections are neither fair nor legitimate.” The security and integrity of U.S. elections hangs in the balance.

**OT**

*Jonathan Bechtle is director of the Voter Integrity Project at the Evergreen Freedom Foundation in Olympia, Washington.*

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# BrieflyNoted

A January 6 **National Public Radio** program reports that, according to the **American Civil Liberties Union**, the **FBI** uses **Capital Research Center** research reports to gather background information on Greenpeace, animal rights groups and environmental extremist groups. The **ACLU** filed a Freedom of Information Act request to learn more about FBI news sources.

Speaking of the **ACLU**, one of its attorneys, **David Lane**, was hired by Aurora, Colorado teacher **Jay Bennish**. Bennish is the Geography teacher who engaged in a loony, anti-American diatribe tape-recorded by one of his students. On the tape Bennish can be heard saying, "Who is probably the single most violent nation on planet Earth?! The United States of America!" and "I'm not saying Bush and Hitler are exactly the same, obviously they're not. OK? But there are some eerie similarities to the tones that they use." Although Bennish was suspended, he was later reinstated after Lane threatened a federal lawsuit on First Amendment grounds. Said Lane, "I know about 10 federal judges who are more than willing to teach the Cherry Creek School District what the First Amendment is all about." No word yet on whether someone will teach Bennish the difference between teaching geography and a political rant.

The **Internal Revenue Service** has investigated 110 claims of illegal political activity by charities during the 2004 elections, according to a recent IRS report (<http://www.irs.gov/newsroom/article/0,,id=154780,00.html>). Eighty-two charities, including 37 churches, were issued written warnings and three unidentified charities, none of them churches, had their tax-exemptions revoked. The March 14 *The Hill* newspaper reports that tax experts have called into question the 501(c)(3) charitable status of a new watchdog group called **CREW (Citizens for Responsibility and Ethics in Washington)**, which files ethics complaints against Republican lawmakers. The experts think evidence of partisan one-sidedness and of a long term political strategy will influence any IRS action. Unfortunately, the IRS never explains its decisions.

Reporter Frank Sietzen of the *Washington Examiner* reported that on March 14<sup>th</sup>, members of the **Council on Foundations** met with members of Congress to discuss issues of importance to the philanthropic community. Over 230 representatives of the Council from over 30 states were expected to participate. Sietzen also reported on the Congressional monitoring activities of the **Alliance for Children and Families**, which focuses on issues such as child welfare financing, mental and other health issues, and education. "Nonprofits need to learn what federal funding supports their work and be alert to proposed cuts or changes in those programs," advised Sietzen. No advice was given on downsizing government.

"The recent hysteria surrounding the approval of a Dubai firm to manage parts of several American ports demonstrates how far fear of Islam, or 'Islamophobia,' can overpower rational discourse and harm our nation's true interests," writes Pavrez Ahmed, board chairman of the **Council on American-Islamic Relations (CAIR)**, in a recent issue of the *Washington Examiner*. Ahmed then goes on to say that "**CAIR** and other American Muslim groups have repeatedly condemned terrorism of any kind." Oh really? As reported by Daniel Pipes and Sharon Chadha in August 2005 issue of *Organization Trends*, **CAIR** denounced the conviction of the 1993 World Trade Center bombers "a travesty of justice." Pipes and Chadha also note that The Religion of Peace website reports that there were more than 2,587 major Islamic terrorist attacks from 9/11/01 to 7/12/05. The number that **CAIR** had condemned was only 6. Perhaps it depends on the definition of "repeatedly."



