

REPORT
OF THE
SPECIAL JANUARY 1982
GRAND JURY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

United States District Court

FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE REPORT OF THE SPECIAL) No. 82 GJ 1909
JANUARY 1982 GRAND JURY) The Honorable
) Frank J. McGarr

O R D E R

The Special January 1982 Grand Jury has issued a Report growing out of its investigation of alleged vote fraud committed in the November 2, 1982, General Election. The grand jury requested that I receive this Report and publish it to the Chicago Board of Election Commissioners, The Illinois General Assembly, other affected public officials, and to the general public pursuant to my powers as Chief Judge of the United States District Court for the Northern District of Illinois.

I have read the grand jury's Report and have determined that it be received and that it be made public. I find that the Report of the Special January 1982 Grand Jury is a matter of public interest and concern and, pursuant to my powers as Chief Judge, I do hereby authorize and direct the Office of the United States Attorney to publish and to make known to the general public, by whatever means appropriate, the Report of the Special January 1982 Grand Jury.

By so doing, I express no opinion on behalf of the court or personally in this matter.

ENTER:

FRANK J. MCGARR
Chief Judge, United States
District Court

DATED: December 14, 1984

X

TABLE OF CONTENTS

Report of the Special January 1982 Grand Jury

	PAGE
Introduction	1
I. History of the Investigation	2
II. Types of Vote Fraud	7
1. The Absent Voter	7
2. False Registration	9
3. Fraudulent Use of Absentee Ballots	9
4. Vote Buying	10
5. Altering the Vote Count	11
6. Taking Advantage of the Elderly and Disabled	11
III. Patronage and the Precinct Captain: The Underlying Cause of Vote Fraud	13
IV. The Problem with Built-In Checks and Balances	18
1. The Failure of the Bipartisan System	18
2. The Problem with Pollwatchers	19
3. The Problem with Police Officers at the Polls	21
V. Recommendations	22
1. Professional Judges of Election	22
2. Voter's Thumbprint on the Ballot Applica- tion	23
3. Voided Ballot After Machine Tally	24
4. Consequences of Vote Fraud	25
VI. Conclusion	26

REPORT
OF THE
SPECIAL JANUARY 1982
GRAND JURY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

x

INTRODUCTION

The following report is based on evidence of vote fraud heard by the Special January 1982 Grand Jury regarding the November 1982 General Election, and refers to events stemming from that election. The grand jury believes it is in the public interest to make known its findings in order to deter and detect vote fraud. The grand jury has chosen to publish this report now because its investigation into allegations of vote fraud stemming from the November 1982 General Election is completed.

The Special January 1982 Grand Jury was convened on January 4, 1982. During the course of our term we undertook an extensive investigation into allegations of vote fraud. We have learned a great deal about the ways in which vote fraud has been committed and the types of people who have participated in vote fraud activity. In the course of our term, sixty-two people have been charged with federal election crimes. Those charged include precinct captains, judges of election, pollwatchers, and political party workers who actively participated in vote fraud in the November 2, 1982 General Election. Of those sixty-two defendants, fifty-eight have been convicted, one was found incompetent to stand trial, and the cases against the remaining three are still pending.

The evidence we have heard convinces us that there was substantial vote fraud in the City of Chicago during the November 2, 1982 election, and that similar fraudulent activities have occurred prior to 1982. We have also learned, however, that efforts on numerous fronts are being made to prevent vote fraud from occurring in the future. We commend these efforts. We have devoted many hours of our time to considering the problem of vote fraud. We have included in this report some recommenda-

tions for changing voting procedures in order to impede and deter election offenses. We make these suggestions based on our extensive knowledge of how these crimes have been committed. Based on testimony we have heard, we are also convinced that there is an unmistakable link between the patronage system and vote fraud. We discuss this at length in our report.

We deplore the flagrant disregard for our democratic system which is the hallmark of this crime. We are shocked and dismayed at the boldness and the cavalier attitude with which these offenses have been carried out. These crimes must be stopped. Our report is an attempt to prevent future vote fraud by making our findings known to the public. We urge all citizens to watch for vote fraud in their polling place and report irregular activities to the proper authorities. We urge honest, law-abiding citizens to step forward and participate in the election process by becoming precinct captains, judges of election, and pollwatchers. We believe that the involvement of concerned citizens in our election process can help prevent vote fraud.

I. HISTORY OF THE INVESTIGATION

An investigation of vote fraud in the November 2, 1982 General Election began as a result of three separate sources of referral: citizens, the press, and candidates' organizations. The November 2nd General Election included a hotly contested gubernatorial race between Adlai Stevenson and James Thompson. During and after the election, the FBI and other law enforcement agencies received numerous citizens' complaints. These complaints were compiled and analyzed to locate those wards and precincts that would be the targets of investigation. In addition, immediately after the election, campaign organizations for Governor Thompson and Senator Stevenson made complaints to the FBI. Allegations from both organizations were reviewed. The media provided a third source of information.¹

In particular, a party worker from the 39th Ward, 44th precinct, told a Chicago newspaper what he knew about vote fraud in that precinct. His disclosures to the press were prompted by a broken promise by his precinct captain that if he participated in the vote fraud, he would obtain a city job. The precinct captain failed to make good on his promise. Shortly after the newspaper article appeared in December, 1982, this same worker made additional disclosures to the FBI and the U.S. Attorney's Office.² He revealed the method of vote fraud used in the 44th precinct of the 39th Ward. Basically, the precinct captain kept lists of people who had moved away, died, or were unable to come to the polls for some other reason on election day. The precinct captain wrote these names on slips of paper and gave them to one of the cooperating judges of election who slipped them into her shoe. During the day when no one was watching her, she forged voters' names on blank

¹ Grand Jury transcript (The word "transcript" is hereinafter referred to as "Tr.") October 12, 1984, p. 4.

² Tr. October 12, 1984, pp. 10-11.

ballot applications, at the direction of the precinct captain and the assistant precinct captain.³ The precinct captain and others apparently retreated to the privacy of the men's washroom to punch some of the ballots.⁴ Many of the votes were fraudulently cast near the end of the day when it was most obvious which voters would not be coming to the polling place.⁵ Our investigation disclosed that this same basic pattern of vote fraud has been repeated in many other precincts.⁶

The FBI obtained from the Board of Election Commissioners the precinct binders and ballot applications from numerous precincts. A precinct binder contains the registration cards with voter signatures for all registered voters in the precinct. A ballot application is signed on election day by anyone who votes. Agents compared the signatures appearing on the ballot applications with the signatures appearing in the binders and found numerous discrepancies.⁷

Based on other information received, the FBI pinpointed fourteen additional suspect precincts. As to these precincts, the FBI sent for a handwriting expert from Washington, D.C. to analyze signatures appearing on ballot applications as compared with the true voter's signatures appearing on registration cards kept in the binders. The FBI's handwriting expert identified numerous likely forgeries of voters' signatures on ballot applications in numerous precincts.⁸

³ Tr. October 12, 1984, p. 83.

⁴ Tr. October 12, 1984, p. 86.

⁵ Tr. October 12, 1984, p. 87.

⁶ Tr. October 12, 1984, pp. 52, 69, 94, 106, 123-124, 131, 136-137, 145-148.

⁷ Tr. October 12, 1984, p. 9.

⁸ Tr. October 12, 1984, p. 9.

Then a more intensive effort was begun by the FBI to locate precincts where fraud had occurred. Thirty to thirty-five precincts were analyzed for forgeries by additional handwriting experts flown in from Washington, D.C."

In addition, the FBI developed a unique tool in the investigation of vote fraud, namely, the use of a computer. The computer has proven to be extremely helpful in ferreting out vote fraud. It was used in this investigation to ascertain the names of people who cast more than one vote in an election and the names of deceased people who had votes cast in their names.¹⁰ Finally, it was used to target specific precincts for further investigation. To obtain a data base for computer analysis, FBI agents had to review virtually all of the 1,000,000 ballot applications submitted in the City of Chicago in the November election.

By the beginning of 1983, the FBI had opened up 30 to 35 vote fraud cases. Teams of agents paired with Assistant United States Attorneys were assigned targeted precincts. The agents were provided with whatever computer data had been obtained on the precinct and, in some cases, tentative findings made by the handwriting experts. The alleged voters were sought to be interviewed. The FBI quickly learned from these interviews that voters' signatures on ballot applications had been forged wholesale in many precincts.¹¹

The investigation revealed that there were an extremely large number of transients, incapacitated people, and senior citizens in whose names votes had been fraudulently cast.

⁹ Tr. October 12, 1984, pp. 46-47; Grand Jury Exhibit 1, October 12, 1984.

¹⁰ Tr. February 10, 1983; Tr. October 12, 1984, pp. 13-17.

¹¹ Tr. October 12, 1984, pp. 53-54, 64, 85, 112, 124, 131, 135, 141.

Once these people have registered to vote, unscrupulous precinct captains and judges of election can fraudulently vote in their names in any election in which they do not appear at the polls.

The transient and alcoholic voters proved to be extremely hard to locate. It is to the credit of the FBI that so many of these alleged voters were eventually tracked down and interviewed.

In the next phase of the investigation, interviews were conducted with the judges of election and pollwatchers. Handwriting exemplars were obtained from the judges of election, precinct captains and others who could have forged voters' names. In many instances, the Government was able to secure the cooperation of at least one eye witness, who detailed the fraudulent activities of the precinct captain and his assistants. In this manner, the FBI and grand jury learned about the different types of vote fraud that were committed in various precincts.

II. TYPES OF VOTE FRAUD

In those precincts where election crimes were uncovered in the November 2, 1982 General Election, we found the following types of vote fraud.

1. The Absent Voter

The dominant type of vote fraud uncovered by this investigation was that of casting a vote for an absent voter. This type of vote fraud was facilitated by an inaccurate canvass. The canvass was inaccurate either because of the negligence or the dishonesty of the canvassers.

Under Illinois law a canvass is conducted prior to an election. Every voter's residence is checked to determine whether the voter still resides in the precinct. This canvass is supposed to be used to weed out voters who do not reside in the precinct, who have moved out of the precinct, or who have died. In some precincts the canvass is conducted by people who are not motivated to check and recheck each and every residence to be certain that the voter resides at the designated address. Canvassers are only paid a small fee for their work. Therefore, some canvassers lack the incentive to spend the amount of time it takes to conduct a thorough search for a voter.¹²

In some precincts, the canvass was intentionally misused to develop a pool of identified "absent" voters whose names could be forged on Election Day. Some judges of election conducted the canvass under the tutelage of dishonest precinct captains or allowed precinct captains and their workers to conduct the canvass. These canvassers intentionally failed to notify the Chicago Board of Election Commissioners to remove the names of voters who had moved away or died.

¹² Grand Jury Exhibit 1, November 8, 1984. p. 110.

The net effect of certain inaccurate canvasses in 1982 was to create a pool of potential votes that could then be cast to inflate the vote total of various precincts in the November 1982 General Election.¹³

On Election Day the dishonest precinct captain and his workers kept careful track of people who had come to the polls.¹⁴ "Runners," many of whom signed pollwatcher credentials to gain easy access to the polling place, went to boarding houses and hotels to see who planned to vote. The runners frequently supplied rides for these people, but they also took careful note of those who would not be coming to the polls because they were too sick, were too drunk, had recently moved away, or had died. The names of the anticipated absent voters were supplied to the precinct captain, who dispensed the names to cooperating pollwatchers and judges of election.¹⁵ These pollwatchers and judges were often related to or in collusion with the precinct captain or expected favors if the vote went well. Some of the judges, precinct captains, pollwatchers, and other party workers then forged the ballot applications of absent voters. They used the binders to locate the voter's address. The ballots either were punched on the voting machines by people posing as the voter, or were punched with ball point pens or other similar objects in a private place outside the polling area by the precinct captain or his workers.¹⁶

Another pool of potential votes for the unscrupulous precinct captain was that of aliens who were illegally

¹³ Tr. October 12, 1984, pp. 19-20, 84; Grand Jury Exhibit 2, November 8, 1984, p. 151.

¹⁴ Tr. October 12, 1984, pp. 19, 66, 69, 82, 86-87, 94, 106, 124, 146.

¹⁵ Tr. October 12, 1984, pp. 19-20.

¹⁶ Tr. October 12, 1984, pp. 19-20, 86; November 1, 1984, p. 5.

registered.¹⁷ Many aliens register to vote so that they can obtain documents identifying them as U.S. citizens; however, the number of aliens who actually vote on Election Day is undocumented.¹⁸ We have learned that these aliens used their voters' cards to obtain a myriad of benefits, from social security to jobs with the Defense Department.¹⁹

2. False Registration

Another way to obtain names that can be voted on Election Day is to have people falsely register to vote in a precinct. For example, in one precinct the precinct captain had two city workers who were seeking to transfer their job locations register in his precinct even though they did not live there. The precinct captain, who worked for the city, promised them that he would get them transferred in exchange for their fraudulent registrations. The assistant precinct captain in that precinct was also falsely registered.²⁰

3. Fraudulent Use of Absentee Ballots

Under Illinois law, citizens with a valid reason to be absent from the polling place on Election Day may apply for and receive absentee ballots from the Board of Election Commissioners. The voter is supposed to fill out the absentee ballot and mail it or have it delivered to the Board of Election Commissioners to be counted.

In one precinct absentee ballots were used as part of the general scheme of vote fraud. In that precinct the precinct

¹⁷ Tr. February 10, 1983, pp. 47-55; Tr. October 12, 1984, pp. 22-23; Grand Jury Exhibit 1, November 8, 1984, pp. 52-54.

¹⁸ Tr. February 10, 1983, pp. 47-55.

¹⁹ Grand Jury Exhibit 1, November 8, 1984, pp. 52-54; Tr. February 10, 1983, p. 59.

²⁰ Tr. October 12, 1984, pp. 82, 84-85.

captain asked some of his workers to encourage voters to apply for absentee ballots whether or not they had a valid reason to do so and to turn the blank ballots over to him.²¹ One of the workers in that precinct was able to get eight voters to apply for and turn their absentee ballots over to him. When he delivered them to the precinct captain he saw that the precinct captain already had a stack of blank absentee ballots.²² Two of the absentee ballots delivered by this worker had already been filled in by the voters. The worker noted that one of the voted ballots was straight Democratic, but that the other contained some Republican entries. The precinct captain caused the second absentee ballot containing Republican entries to be torn up.²³

4. Vote Buying

One of the ways to get people to the polls in certain precincts was to pay alcoholics and transients a few dollars to vote. The grand jury heard testimony that the going rate for a vote in a particular ward was \$2.00²⁴ and that at least two precinct captains kept a supply of one dollar bills ready on Election Day solely for the purpose of vote buying.²⁵ In some cases derelicts were offered liquor as an enticement to vote. One hotel manager ordered the liquor in advance from the precinct captain, and gave out drinks as an incentive to go to the polls.²⁶ He also demanded money from the precinct captain for his efforts on

²¹ Tr. October 12, 1984, pp. 80-81.

²² Tr. October 12, 1984, p. 82.

²³ Tr. October 12, 1984, p. 81.

²⁴ Tr. March 8, 1984, p. 67.

²⁵ Tr. March 8, 1984, p. 26; Grand Jury Exhibit 2, November 8, 1984, p. 205.

²⁶ Grand Jury Exhibit 2, November 8, 1984, pp. 166-167.

behalf of the precinct captain.²⁷ In one case a drunkard who was accustomed to getting paid in liquor had heard that others got money and he therefore created a scene in the polling place until he had been paid \$2.00 and given a pint of wine.²⁸ One "runner" recounted that he was driving two winos back from the polling place when they got into a fist fight in the back seat of his car over whether to spend their pooled dollars on hamburgers or a bottle of wine.²⁹

5. Altering the Vote Count

The most blatant form of vote fraud occurred when one precinct captain and his son disregarded the actual ballots cast by voters and instead held their own fraudulent election after the polls closed by running two ballots through the voting machine. One ballot was a straight Democratic "punch 10". That ballot was counted by the machine a total of 198 times. To make the results less suspect, they also counted a ballot containing some Republican votes a total of 6 times. Consequently, all but two of the voters in that precinct were disenfranchised by the conduct of the precinct captain and election judges.³⁰

6. Taking Advantage of the Elderly and Disabled

Under Illinois law a special election can be held for the convenience of the infirm and elderly at various homes and institutions where they live. This special election is held a few days before the actual election. In one precinct voters too sick or disabled to get to the polls had such a special

²⁷ Grand Jury Exhibit 2, November 8, 1984, pp. 167-168.

²⁸ Tr. April 7, 1983, pp. 67-69.

²⁹ Tr. October 12, 1984, p. 118.

³⁰ Tr. October 12, 1984, p. 57.

election held for them in the basement of the institution in which they lived. Many of the people in this senior citizen's home were mentally or physically impaired. They went to the voting area set up in their building, which was staffed by the judges of election working for the precinct captain. These people told the judges whom they wished to vote for, but the judges of election, under instructions from the precinct captain, disregarded their wishes and punched a straight Democratic ticket.³¹ The disabled citizens in this home trusted the judges of election. They did not realize that their choices were being totally disregarded. Although this form of fraud was bold, it was hard to detect since the residents of this home were not capable of protecting their own interests. Even though Assistant State's Attorneys were observing the judges' actions, the fraud was not detected because the Assistant State's Attorneys properly believed it was the job of the judges of election to assist the voters and accurately register their choices for candidates.³²

³¹ Grand Jury Exhibit 2, November 8, 1984, pp. 156-157.

³² Grand Jury Exhibit 4, October 12, 1984, p. 9.

III. PATRONAGE AND THE PRECINCT CAPTAIN: THE UNDERLYING CAUSE OF VOTE FRAUD

The grand jury has heard overwhelming evidence that precinct captains play a dominant role in the actual operation of the Chicago electoral process. For example, on Election Day the precinct captain often opens the polling place, and thereafter supervises and directs the activities of the election judges throughout the day.³³ In addition, prior to the actual election, the precinct captain often directs and influences the door-to-door precinct canvass that is required by law in order to determine the accuracy of voter registration.³⁴ The precinct captain is not employed by the Chicago Board of Election Commissioners, but instead is the political appointee of a ward committeeman.³⁵ The precinct captain, as a political appointee, is only answerable to the ward committeeman and his political party, not to the officials of the Chicago Board of Election Commissioners who are legally responsible for conducting fair and honest elections.³⁶ This loyalty to the ward committeeman exists because the precinct captain often holds a city job obtained through the efforts of the ward committeeman.³⁷ In every case that this grand jury indicted, the precinct captain was a city worker.³⁸

³³ Grand Jury Exhibit 2, November 8, 1984, pp. 151-152, 159-162, 165, 168-170, 178-180, 183, 185, 190.

³⁴ Tr. October 12, 1984, pp. 158-159

³⁵ Tr. October 18, 1984, p. 11.

³⁶ Tr. October 12, 1984, p. 154.

³⁷ Tr. October 12, 1984, p. 24.

³⁸ Tr. October 12, 1984, pp. 57, 73, 89, 99, 114, 126, 132, 138, 147 (see also Grand Jury Exhibit 5, November 8, 1984, p. 28).

The grand jury has heard evidence that some precinct captains believed that their own city jobs, as well as their ability to dispense city jobs and favors to others, was dependent upon their success in turning out a high vote total in their precincts on Election Day. Evidence was presented that indicated that this necessity for a high vote total to satisfy the ward committeeman often led the precinct captain to commit vote fraud on Election Day.³⁹

In two instances, the grand jury heard testimony that two particular precinct captains were educated and instructed on the various methods of committing vote fraud immediately upon assuming their duties as precinct captains.⁴⁰ Other precinct captains that cooperated with this investigation advised that as city workers who owed their jobs to ward committeemen, they had to pay dues to the ward organization, and to sell or buy expensive dinner tickets to fund the coffers of the ward.⁴¹ In addition, these precinct captains indicated they had to contribute \$1,000 to \$3,000 a year to the ward.⁴² The precinct captains would then be given money from the ward treasury in order to help them on Election Day.⁴³ These precinct captains indicated that they often used this money to pay people to vote, to pay judges of election to assist in acts of vote fraud and to pay police officers to overlook their fraudulent conduct.⁴⁴

³⁹ Tr. October 12, 1984, p. 24; Tr. October 18, 1984, pp. 12-15.

⁴⁰ Tr. October 12, 1984, p. 115; October 18, 1984, p. 29.

⁴¹ Tr. October 18, 1984, p. 30.

⁴² Tr. October 12, 1984, p. 113; Tr. October 18, 1984, p. 11.

⁴³ Tr. October 18, 1984, pp. 30-31.

⁴⁴ Tr. October 18, 1984, pp. 16-17, 31.

The grand jury has heard evidence that it was common for a particular ward committeeman to ask precinct captains for estimated vote totals prior to the election. Thereafter, precinct captains were routinely "chewed out" by this ward committeeman for failing to obtain the anticipated vote total. These precinct captains indicated that they believed that their city jobs depended upon their success in obtaining the requisite vote total on Election Day.⁴⁵

The grand jury heard evidence of specific instances of reprisals that occurred when a precinct captain turned in a relatively low vote total. One precinct captain indicated that when he was a sheriff in Holiday Court he had his badge removed by the ward committeeman until he was able to improve his vote totals.⁴⁶ More than one elderly precinct captain was transferred from a relatively easy desk job to another city job that required hard physical labor and exposed them to personal danger.⁴⁷ Other precinct captains reported being transferred to jobs located far away from their homes.⁴⁸ Several precinct captains revealed that they tried to avoid being put on "four-by-four," which meant an immediate reduction of hours from 40 to 30 hours a week, and made it easier to be fired by the city.⁴⁹

One precinct captain stated that he decided to run a clean election during the primary prior to the 1982 General

⁴⁵ Tr. October 18, 1984, pp. 12, 31-32.

⁴⁶ Tr. October 18, 1984, p. 32.

⁴⁷ Tr. October 18, 1984, pp. 32-33.

⁴⁸ Tr. October 18, 1984, p. 33.

⁴⁹ Tr. October 18, 1984, p. 33.

Election. He didn't pay the alcoholics two dollars to vote or forge voters' names that election. A few days after that election he was called in before his ward committeeman and asked what his problem was and whether he was trying to go against the ward. He told the ward committeeman that he had tried to run a clean election. This precinct captain had been working a city job on the night shift and running a profitable part-time business during the day. A few days after his talk with the ward committeeman, this precinct captain's shift, and the location of his job, were abruptly changed. His shift was changed to a day shift so that he was forced to give up his part-time business. His new job location was not accessible using freeways and was very difficult for him to reach. After that experience the precinct captain decided that he would commit vote fraud in subsequent elections as he had been trained to do.⁵⁰

In turn, precinct captains themselves have used the patronage system as a means of exercising control over election judges. Election judges are selected by their respective political party and submitted for appointment to the Chicago Board of Election Commissioners.⁵¹ The Party's choices for positions of election judges have been approved virtually without exception by the Board of Election Commissioners.⁵² Therefore, precinct captains are able to select whomever they would like to serve as election judges in that precinct. The result is that while the election judges are legally responsible for the operation of the polling place, it is usually the precinct captain who actually controls the polling place on Election Day.

⁵⁰ Tr. October 12, 1984, pp. 113-114.

⁵¹ Tr. October 12, 1984, p. 170.

⁵² Tr. October 12, 1984, pp. 170-171.

The grand jury heard evidence that established that some judges of election expect favors from the precinct captain such as help getting a city job, assistance for a community project or a favor for a relative.⁵³ The precinct captain who wants to engage in vote fraud often holds out these favors to the election judges so that the judges will go along with the precinct captain's vote fraud activities on Election Day. The grand jury has determined that it is difficult for substantial vote fraud to occur in the polling place on Election Day unless the election judges assist the precinct captain in his fraudulent activities.

Based on evidence heard by this grand jury, it is apparent that the Chicago patronage system creates the incentive for the precinct captain to steal votes on Election Day. The patronage system and the rewards and benefits it promises can be used by the precinct captain as an effective tool in obtaining cooperation from election judges and in carrying out illegal vote fraud activities.

⁵³ Tr. October 12, 1984, pp. 11, 21, 25, 85; Tr. October 18, 1984, p. 15.

IV. THE PROBLEM WITH BUILT-IN CHECKS AND BALANCES

1. The Failure of the Bipartisan System

The concept of a bipartisan system is meant to protect the election process from vote fraud. That system assumes that there will be two active political parties, each with an interest in protecting itself from being robbed of votes. The bipartisan concept is effective in preventing fraud only if there truly are two active political parties functioning at the precinct level. In 1982 in many parts of Chicago, this was not the case.

The canvass provides the intended bipartisan checks and balances only if it is conducted by two people representing opposite parties. In 1982, the canvass became the tool of certain precinct captains in the facilitation of vote fraud in those precincts where there was not an active two-party system. The Republican Party was not strong enough in some sections of Chicago to function as a counter balance to the Democratic Party. Therefore, in a number of precincts the canvass was not conducted with the checks and balances that are anticipated in a truly bipartisan system, namely the accurate deletion from the binders of names of registered voters who did not reside in the precinct.

The integrity of the election process is also predicated upon the two-party system. There are supposed to be Democratic and Republican judges of election at the polling place on Election Day. The Republican judges are supposed to be Republicans. Republican and Democratic judges are supposed to be watching each other for irregularities on Election Day. In those precincts where the grand jury discovered vote fraud in 1982, the reality was quite different. In those precincts Republican judges of election were frequently chosen by the Democratic precinct captain and were Republican in name only. Most

of them were chosen because they were either city workers or friends or relatives of the precinct captain. These so-called Republican judges were loyal to the precinct captain, not to the Republican Party.

The Republican judges of election are supposed to be appointed by the Republican Party. However, there are not always enough Republicans in a given precinct willing to fill the available positions for Republican judges of election. Under Illinois law, judges of election who are present at a polling place on Election Day may swear in anyone of their choosing to fill vacancies for judges of election.⁵⁴ In practical terms, this means that the precinct captain can choose whomever he would like to fill vacancies for Republican judges of election.

In one precinct, the Democratic precinct captain dispensed with the requirement that the Republican Party is supposed to appoint the Republican judges of election, and caused one of his workers to sign his own name on the credentials of the "Republican" judge of election, posing as the representative of the Republican Party even before Election Day and before a vacancy was apparent.⁵⁵ These so-called "Republican" judges then assisted the precinct captain by participating in vote fraud activities themselves or by permitting the fraud to occur without reporting it to the authorities.

2. The Problem with Pollwatchers

Pollwatchers are supposed to be guardians of the election system by participating as critical observers. The concept of an informed observer is a good one in theory. A trained and vigilant observer might be able to spot the type of vote fraud that the grand jury discovered had occurred in 1982 in Chicago. The observer must, however, be truly

⁵⁴ Tr. October 12, 1984, p. 172.

⁵⁵ Tr. October 12, 1984, p. 89.

interested, constantly watchful, and must remain in one polling place all day long and after the polls close to be effective. The reality in 1982 was that pollwatcher credentials were not always provided to truly critical observers. In precincts where vote fraud occurred, a precinct captain often provided his helpers with pollwatcher credentials. Some of these so-called pollwatchers were actually "runners" for the precinct captain.⁵⁶ They spent their day ferrying voters to and from the polls in their cars, performing a legitimate service. However, they also determined who would not be coming to the polls to vote, for example, by checking with managers of flop houses and hotels. They provided the names of these anticipated absent voters to the precinct captain. Certain corrupt precinct captains then used these names to increase the pool of people for whom they could manufacture votes at will by the end of the day.⁵⁷

There are legitimate watchdog organizations whose members observe Election Day procedures. These people can be very helpful. However, they may need training to spot vote fraud. In one precinct in 1982 a truly neutral pollwatcher was present the entire day while vote fraud occurred under his nose.⁵⁸ The precinct captain passed slips of paper to a cooperating judge of election who filled out ballot applications when the pollwatcher was not observing her. Various precinct workers surreptitiously went through the line multiple times. Ballots were punched outside of the polling area.

The role of a pollwatcher can be effective, especially if he or she has a strong interest in maintaining a clean elec-

⁵⁶ Grand Jury Exhibit 2, November 8, 1984, p. 186.

⁵⁷ Grand Jury Exhibit 2, November 8, 1984, p. 192; Grand Jury Exhibit 3, November 18, 1984, p. 1.

⁵⁸ Tr. October 12, 1984, pp. 88-89.

tion. The 1983 mayoral primary appears to have been an honest election. That election was notable for the strong competing interests of the candidates: Jane Byrne, Harold Washington, and Richard Daley. Each candidate had a squadron of pollwatchers who observed polling place activities with an eagle eye. Their efforts resulted in what appears to be an election that was unmarred by substantial evidence of vote fraud.

3. The Problem with Police Officers at the Polls

Chicago is the only city in the United States that has policemen present in the polls on Election Day.⁵⁹ In 1982, as in the past, the police were assigned to the polling place to preserve the peace. Unfortunately, many of them did not feel it was their duty to report or prevent vote fraud. The grand jury believes that in the 1982 election a watchful police officer in the polling place could have been a major deterrent to vote fraud.

Therefore, the grand jury is pleased that the Board of Election Commissioners has developed an addendum to the usual instructions that are given to policemen when they receive their assignments for Election Day.⁶⁰ That one page addendum enumerates the ways to spot vote fraud when it occurs in their polling place. The addendum has been made part of the package of instructions that the Superintendent of Police gives each officer. The grand jury is hopeful that in the future the presence of vigilant Chicago police officers in polling places operating under this new addendum should play a major role in detecting and discouraging vote fraud.

⁵⁹ Tr. October 12, 1984, p. 166.

⁶⁰ Tr. October 12, 1984, p. 167; Grand Jury Exhibit 2, October 12, 1984.

V. RECOMMENDATIONS

We are mindful that it is uncommon for a grand jury to issue a report. We are aware of only two other such reports in the last 20 years.⁶¹ As with these other grand jury reports, we are issuing this report in the public interest. We have made certain observations about vote fraud in the course of our three-year term as a grand jury, which we believe it is important to disclose to the public.

1. Professional Judges of Election

We believe that the precinct captain should play no role in the way the canvass or election is actually run. We therefore support the concept of paid professional judges of election, chosen by and responsible to the Board of Election Commissioners. If possible these people should be selected from a pool of nonpartisan individuals chosen on merit. One professional judge of election would supervise the election in each polling place with other election judges and would handle an on-going canvass process throughout the year. At the present time the canvass can be dominated by the precinct captain. A full-time professional judge of elections could replace the precinct captain as the dominant figure in the precinct's total election process.

⁶¹ In 1970, Chief Judge Robson released a grand jury report dealing with the police raid on Chicago Black Panther Party Headquarters, see *Application of Deborah Johnson, et al.*, 484 F.2d 791 (7th Cir. 1973).

In 1981, Chief Judge Parsons released a grand jury report on Nils Nilson, a dangerous psychopathic criminal who was prematurely released into the community from a mental health facility's high security ward. The report was a study of how such an oversight could have occurred and what could be done to prevent a similar mistake from happening in the future.

This means that there would be one person responsible for the canvass and the election, so that if vote fraud did occur, the Board, the public, and law enforcement authorities would have a specific public official to hold accountable. The Board of Election Commissioners would have the responsibility to hire, train, and set standards for professional judges of election. The professional judge would be subject to scrutiny and constant evaluation by the Board of Election Commissioners. The Board would have the power to censure and fire any judge who did not perform his job properly.

2. Voter's Thumbprint on the Ballot Application

In Illinois we now have a system which identifies voters by their signature on their ballot applications. We believe that serious consideration should be given to instituting a system in which every voter places his thumb on a small pre-treated box on the ballot application received by the voter at the time he casts his vote. This would record the voter's thumbprint at the time he casts his ballot. No fingerprint would be placed on the actual ballot; therefore, the ballot would still be totally secret as it is now. The voter would not be required to put his finger in ink in order to register his print. The process is totally clean and is not intrusive. Many banks already use this identifying process on check cashing cards to verify the identity of the card user.

Requiring a print on every ballot application would be a tremendous deterrent to vote fraud and no more of an invasion of privacy than a handwritten signature. It is impossible to forge a print. Fingerprint experts cannot be fooled. If the precinct captain voted for absent voters using the prints of paid volunteers, for example, the print of the absent voter could be compared with the print on the

ballot application. If people in the polling place participated in the fraud by placing their prints in the boxes, they would be readily identifiable.

As a further step to deter future vote fraud, we recommend that a newly registered voter place his thumbprint on a pre-treated box on his registration card at the time he registers to vote. We suggest that the thumbprint system be instituted prospectively so that voters who are already registered will not have to re-register. In the future, a voter's print on his registration card could be compared with the print appearing on the ballot application. This thumbprint system would be a major contribution to the deterrence and detection of vote fraud.

3. Voided Ballot After Machine Tally

One of the most outrageous instances of vote fraud in 1982 occurred when a precinct captain held his own election by running one Democratic ballot through the tally machine 198 times and running a Republican ballot 6 times. In another precinct one particular Democratic ballot was run through the machine eight times to inflate the vote total. We urge that each machine be constructed so that it will void a ballot once the ballot has been counted one time. The machine should reject any ballot that has already been counted. We recognize that it may be necessary to conduct a recount in some elections. Perhaps a different machine could be constructed that would have the capability to recount voided ballots. The logistics of such a system would have to be worked out by technicians. We urge in the meantime the development of a device that could be attached to existing machines that would irrevocably mark each counted ballot and prevent it from being run again and again without detection.

We also suggest that at the time the voter casts his ballot, his vote should be registered and placed into a locked box. When a voter finishes punching his ballot, he should put the ballot through the machine himself and place it in a locked box. It would be even more effective if the machine itself could shunt the counted ballot into a locked box. The idea is to make it difficult or impossible to interfere with the actual tally of votes on Election Day. The less a ballot can be tampered with, the more likely it is that a vote total will be accurate.

4. Consequences of Vote Fraud

We strongly support the loss of public jobs for any person convicted of vote fraud. We were disturbed to learn that one precinct captain who had worked for the city was removed from his city job after being convicted of vote fraud, only to obtain a job with the CTA. We believe that public jobs should not be held by people who have betrayed the public trust.

The grand jury also believes that vote fraud is the type of crime that can be deterred by prison sentences. Therefore, we strongly support prison sentences for people convicted of vote fraud. Vigorous enforcement of the law and punishment for the offenders will help prevent future election crimes.

VI. CONCLUSION

This grand jury has heard evidence that in some Chicago precincts vote fraud has been routine, and has occurred over an extended period of time. The finer points of committing such offenses have actually been passed between successive generations of precinct captains. The evidence presented before us convinces us that the p^âtronage system is at the root of this problem.

We commend the Chicago Office of the Federal Bureau of Investigation and the Chicago Board of Election Commissioners for their dedication and devotion of manpower and resources to this investigation. The scope of this project is unprecedented in the history of vote fraud investigations. The actions of this grand jury have resulted in the conviction of fifty-eight individuals, including precinct captains, election judges and party workers. It is our hope that these convictions will help to create a realistic deterrent to vote fraud.

We support the continued scrutiny of the election process in the City of Chicago and urge the adoption of our recommendations to combat the blight of vote fraud. It is also our hope that this report will encourage responsible public officials to initiate changes in the election process that will help prevent vote fraud.

Every vote that is fraudulently manufactured disenfranchises the legitimate voter and makes a mockery of our political process. Vote fraud is like a cancer, and it must be treated so that it will not destroy our constitutional right to vote, the basis of our American heritage.