

Racism on *Nightline*:

An Analysis of *Nightline*'s Coverage of the Duval County, Florida, Election Controversy

by Paul Lukasiak

After a virtual three and a half month media blackout on the Florida election story, on March 28th the ABC News show *Nightline* did a piece about what happened in Duval County. Actually, what Ted Koppel and his cohorts did was a shameful whitewash of what happened in Duval, reinforcing racist stereotypes of African Americans as incompetent voters who immediately and irresponsibly labeled every problem as a “race issue” without any justification.

Although the report did note that there is a history of discrimination against blacks at the polls, *Nightline* presented that as ancient history. But African American voters **were** targeted in Florida statewide. In Duval County, the only question is whether blacks were targeted because they were likely to vote Democratic, or whether Democratic voters were targeted because a very large number of blacks vote Democratic and an insignificant number vote Republican.

Koppel presented the issue of black disenfranchisement in Florida in the 2000 election as an “academic exercise”; and indeed, the report portrayed Duval County as if it were an alien culture being examined by anthropologists. For those who run ABC News, questions of black disenfranchisement may be “academic.” For African Americans and for anyone who supports the principle of “liberty and justice for all,” what happened in Duval County and throughout Florida was criminal racial discrimination.

Presenting Black “Perceptions” Without Context

The *Nightline* report focused on “perceptions” in Duval County in the black and white communities, and made no effort to understand those perceptions within the context of what actually occurred in the election. No effort was made to:

- Examine the contemporary state of race relations in Florida and Duval County. No mention is made of current controversies concerning attempts to desegregate public schools in Duval County, efforts to end the *de facto* policy of putting all public housing in Duval’s black communities, or the antipathy of black Floridians toward Jeb Bush’s anti-affirmative action stance.
- Examine why African Americans turned out in overwhelmingly greater numbers in Duval County and throughout Florida in this election compared with past elections. Recognizing the anger and frustration with Republican elected officials at all levels of government would go a long way toward explaining why blacks expressed anger and frustration after finding out that 1 in 5 black voters in Duval County had been effectively disenfranchised.
- Examine why African Americans overwhelmingly voted Democratic in Republican-controlled Florida and Republican-controlled Duval County, and throughout the nation. There is a reason why George W. Bush received only 5% of the African American vote in his own state of Texas, reasons that were covered in the black media, but that were ignored by “mainstream” outlets such as *Nightline*.

Nightline's failure to provide the context for the suspicions of blacks in Duval County made it appear that the suspicions had no reasonable explanation. *Nightline*'s reporting simply affirmed the perception that conservatives consistently present: that African Americans turn every problem into a "race issue" rather than accept responsibility for their own failures.

By focusing on "perceptions" in Duval County, rather than on the circumstances of the election controversy, *Nightline* revealed a far larger problem: the "perception" of white network news executives, anchors, and reporters that investigating the basis for claims of racial discrimination is a waste of time, and that historical and contemporary patterns of racial discrimination are irrelevant to the discussion of race relations. The real problem may well be the way media outlets like *Nightline* consistently reinforce racist "perceptions" of white Americans by ignoring the facts that are responsible for the "perceptions" of black Americans.

Evidence of Fraud in Duval That *Nightline* Ignored

The *Nightline* report consistently presented "voter error" as the reason why 27,000 ballots were counted as unvoted or overvoted rather than examine the factors that cause suspicions of deliberate discrimination:

- Conscientious voters who marked their actual ballots on Election Day according to the instructions on the sample ballot would have had their ballots invalidated as overvoted. In the 2000 election, Florida law mandated that Democrats be second in the list of presidential candidates. Exit polls and election results confirm that there was a very strong tendency among black voters in Duval County to vote a straight Democratic ticket for federal offices. The sample ballot provided in Duval told voters to "be sure to vote on every page." A conscientious voter who took the time to study the sample ballot, including the instructions, and who intended to vote straight Democratic, would have assumed that punching the second hole on *every* page would be casting valid straight-party votes. Approximately 5,000 voters did exactly that. But because the list of presidential candidates extended over two pages, following the instructions meant casting *two* votes for President, which invalidated the vote. A disproportionate number of voters who spoiled their ballots by following these instructions were African American. Black voters followed the instructions provided to them by Duval County's white GOP election official prior to election day, and lost their vote as a result. Is this "voter error"?
- The ballot was laid out by Duval's white Republican elections officials in violation of Florida law. Legally prescribed instructions on the casting of write-in votes were omitted, and completely inappropriate instructions were placed on the second page of the ballot. In contrast to every other large (200,000+ votes cast) county in Florida that used punch-card ballots, Duval County made it possible to punch a hole next to the "write in" space—even though punching the hole is not required for a write-in vote. If incorrect instructions caused the voter to punch an unnecessary hole and the ballot was machine-read as an overvote, was this "voter error"?

- After providing an illegally designed ballot for write-in votes and including an unnecessary hole to be punched out for write-in votes, county elections officials counted ballots containing write-in votes in an illegal manner: **votes specifically described by Florida law as legal** were counted as overvotes by Duval's Republican elections officials. Under Florida law, no ballot can be considered overvoted because of a "write-in vote" unless the vote is for a "qualified write-in candidate." Florida law stipulates that when a county uses the secrecy envelope for the casting of write-in votes (as Duval County did), both the secrecy envelope and the ballot itself must be examined for "write-in votes." Duval County officials never looked at the ballots themselves, only the secrecy envelope, despite providing a hole that a machine would count as a "vote" when deciding if the ballot had been overvoted. There is no way to know how many of these legally prescribed votes were counted illegally as overvotes; but with over 22,000 overvoted ballots, there can be a reasonable suspicion that hundreds, if not thousands, of legal votes were never counted in Duval. Was this "voter error"?
- The ballot designed by Duval's Republican elections officials was so confusing that it encouraged overvoting—unless the voter wanted to vote for Republicans. The hole to be punched for a presidential slate was aligned **below** the name of the **vice presidential** candidate. The word "Democratic" was closer to the hole for the Republican ticket than to the hole for the Democratic ticket. Unlike every other Florida County ballot, there were no lines drawn between the various Presidential tickets, which made it even harder to determine which hole went with which presidential slate. The instructions on the ballot told voters to "vote for group"; since there are two names listed for each presidential ticket, this could reasonably be interpreted as requiring two holes to be punched (one for president, one for vice president). There was no ambiguity for people who intended to vote Republican (the first ticket on the list, therefore the first hole); but there was a great deal of ambiguity for those who wished to vote Democratic. The white Republican elections officials who designed the Duval County ballot were far too knowledgeable and experienced not to recognize that the ballot design would create problems. Was this "voter error"?
- Duval's Republican elections officials have gone to extraordinary lengths to cover up what happened in Duval County, going so far as to lie to the Duval County chair of the Gore campaign about how many "unvoted" ballots there were and when final information would be available. Duval's votes were certified without notification to anyone in the media or the Gore campaign, even though discrepancies involving thousands of votes had not been resolved. The certification made it virtually impossible to request a manual recount under Florida statutes. Was this "voter error"?
- Duval's white Republican elections officials have consistently refused access to the ballots for the media under Florida Sunshine laws. They even refused to provide the audit tapes, required by law, that record the condition of each ballot counted by machine. Duval County successfully delayed access to the ballots themselves for over three months, using the excuse that the ballots were evidence in a lawsuit until a court ruling required them to permit access; but the lawsuit in no way prevented access to the data on the audit tapes. Was this "voter error"?

These are some of the facts surrounding the election in Duval County that led to the suspicion by black voters that deliberate discrimination occurred. None of these facts were reported by *Nightline*, even though they are all a matter of public record. Instead, *Nightline* claimed “we don’t know what happened in Duval.”

We may not know with certainty, but there is good reason for suspicion. In Madison County, which also has a large percentage of black voters and uses punch-card ballots, the precinct with the highest percentage of black voters (86%) had an error rate that was **less than one fifth** that of black-majority precincts in Duval, and that precinct’s error rate was the second lowest in Madison County. In Madison County, although black voters made errors at a slightly higher rate than white voters overall, there is no consistent pattern or correlation between the percentage of black voters in a precinct and the error rate. In Duval County, there is such a correlation.

We may not know everything that happened in Duval. But to consistently suggest, as *Nightline* does, that the absurdly high overvote rate among black voters in Duval County is solely or even primarily a result of “voter error” contradicts everything we do know about what happened in Duval and in the rest of the state.

Evidence of Systematic Statewide Discrimination Ignored by *Nightline*

Although *Nightline* made a passing mention of the “felons list” controversy, the show ignored the evidence that this list was used to intentionally disenfranchise African American voters.

- White Republican state elections officials ordered that the list cast a “wide net” to include the names of far more people than were actually felons. This strategy that would have a disparate impact on African Americans (because of the legacy of slavery, there is far less variety in last names for blacks than for whites). The matching criteria included transposition of first and last names and only a 90% match for the last name. The justification for this was that the criminal databases used contained so many clerical errors. If these lists were so full of error, however, they should never have been used in the first place, because the statute requires that the criminal databases that are used be reliable.
- White Republican state elections officials completely misrepresented the Florida statute (98.0975) under which the felons list was created in order to justify having ChoicePoint, the company compiling the lists, include names of non-felons on the list; then they declared that county elections officials **must** remove names from the registration rolls if the names appeared on the list. Under the law, the state is supposed to provide a list of *felons*, not “*possible felons*” or “*probable felons*.” Under the law, county officials are required to disenfranchise anyone whose name appears on the list *unless those officials know for certain that the name on the list is there erroneously*. Yet these Republican officials told the company creating the lists of “*possible felons*” that under the law, their list did not have to be accurate.

- White Republican state elections officials misapplied the statute to include information from other states. An examination of the legislative history of the statute leads to the inevitable conclusion that the “periodic list maintenance” was a tool to be used with in-state information only. Documents submitted to the United States Department of Justice as part of the “preclearance” regimen include legislative summaries that demonstrate that the law was designed to be used with in-state information only. The first two contracts created under the statute stipulated the use of in-state information only. Yet for the lists created for the 2000 election cycle, white Republican State elections officials renegotiated the contract so that out-of-state data would be used.
- The state officials requested felon information only from states with a relatively high percentage of African American citizens.
- The state officials requested felon information almost exclusively from states with a long history of racial discrimination in its criminal justice system.
- The state officials ignored the statutory language that allowed the deletion from the voter rolls **only** of those felons whose civil rights had not been restored, and required the use of felon information from states that automatically restored voting rights to felons upon completion of their sentences.
- The Florida Division of Elections is part of the Florida Department of State. The white Republicans who control the Division of Elections ignored a court decision (*Schlenther v. Florida Department of State*) that if felons had their civil rights restored in another state, Florida cannot deny them those same rights. This case was decided in May 1998. The maintenance/transferability of civil rights of felons was subsequently affirmed in another case in 1999, but this ruling was also ignored.

The “wide net” criteria, combined with the selection of states with a higher than average percentage of African Americans in their population, histories of discrimination in the criminal justice system, and laws requiring felons’ voting rights to be restored, resulted in a disproportionately high number of African Americans on the felons list.

The felons list controversy provides a perfect example of why black Floridians, including those from Duval County, have good reason to suspect a conspiracy to deny them the vote. *Nightline* instead treated suspicions about the felons list as “anecdotal,” just one of a series of alleged “problems that always occur,” rather than examining the compelling evidence of intentional discrimination.

Favoritism to White Voters

Another area of legitimate concern was the “hyper-enfranchisement” of (predominantly white) Republican voters, which occurred at the same time black voters were having their names wrongly deleted from the voting rolls.

- Only 5.3% of African American voters in Florida are registered Republicans. Overall 86.9% of registered Republicans are white, and only 1.4% are black.

- Florida law forbids using absentee ballots purely as a matter of convenience. Nevertheless, the Florida Republican Party sent out a solicitation for absentee votes to registered Republicans (overwhelmingly white), encouraging them to “vote from the comfort of their homes” and “avoid long lines.” Governor Jeb Bush’s picture and the state seal were printed on this solicitation, making it appear as if voting absentee for convenience were endorsed by the state itself.
- After complaints regarding this solicitation were filed with the Republican-controlled State Division of Elections, the state elections officials declared that they would not be enforcing the absentee ballot law as it pertains to “voting for convenience.”
- No effort was made to publicize the decision by the Division of Elections that anyone could vote absentee merely because it was convenient. That is, the Republican-controlled Division of Elections did nothing to notify 95% of black voters (who were unlikely to receive the GOP’s solicitation to vote absentee) that they, too, could vote absentee merely because it was convenient.
- This “hyper-enfranchisement” of predominantly white Republicans resulted in an estimated 140,000 absentee ballots. In other words, 140,000 voters, almost all of whom were white, did not have to stand in line at the polls, while 95% of black Floridians who wanted to vote were never even told that they had a choice other than to wait in line to vote.
- In at least two counties (Martin and Seminole), Republican Party operatives were allowed to “correct” absentee ballot requests that had been sent almost exclusively to white voters. Only 1.3% of registered Republicans in Seminole County are black (blacks make up 14.6% of Seminole voters), and 0.75% of registered Republicans in Martin County are black (blacks make up 2.7% of Martin voters). Both counties had standing policies to reject incomplete absentee ballot requests. Both counties changed this policy **only** for the absentee ballot requests that had been made available to fewer than 1% of black voters in each county. Many of these absentee ballot requests were processed even though the information added to them, the voter’s ID number, was incorrect (according to testimony in the court case over these ballot requests).
- At the same time these two counties were processing illegally altered requests from Republicans, other voters who had submitted incorrect absentee ballot requests were not even notified that their requests would not be honored. The elections officials did not return these applications for the voter to correct because they were “too busy” doing other things (like processing the absentee ballot requests that were altered by Republican Party operatives?).
- No effort was made to permit Democratic Party officials to correct absentee ballot requests as the Republican operatives were permitted to do, or even to notify them that some of the requests from Democrats were incorrect.
- When the Republican-controlled state Division of Elections was notified that signed legal documents were being altered in these two counties, the Division took no steps to enforce the law by stopping the illegal alterations.

Although it is doubtful that African Americans in Duval County were fully aware of all the specific evidence of discrimination throughout Florida and particularly in Duval County, there can be little question that they were fully aware of systematic discrimination against blacks at both the state and local level by Republican elections officials. Blacks in Duval county raised questions about discrimination at the polls on Election Day because, in their experience, discrimination is endemic when the system is controlled by white Republicans.

The facts presented here provide only a limited insight into the context for the suspicions of blacks in Duval County. Blacks in Duval are fully aware of the role that race plays in their county; one need only look at a map of “council districts” for Duval County to see that racial gerrymandering is used to limit the influence of blacks on the decisions made in that county. *Nightline* provided none of this context, and instead presented a portrait of black voters in Duval County as incompetent, stupid, irresponsible, illogical, and prone to jump to racist conclusions based on no evidence whatever.

***Nightline's* Not-So-Subtle Encouragement of Racism**

A good example of the inherent racism in the *Nightline* report is this exchange between *Nightline* reporter John Donovan and Carol Anderson, an African American storyteller who was active in the get-out-the-vote drive in Duval County.

Nightline: If you fail to follow the directions that are on the ballot, who's to blame?
Whose fault is that?

Anderson: The voter.

Nightline: If that is what happened in all these precincts, why do so many black voters feel that there was harm done to them, if it was their own error?

Anderson: *If* it were their own error, there would be a need, and there is a need to educate voters more in depth if that is actually what happened. But we don't know actually what happened. We don't know.

(cut to Donovan, doing a “stand-up”)

Carol Alexander wants it made clear that she personally means it when she says “we don't know.” She doesn't believe there was a conspiracy. She doesn't disbelieve it either. But perhaps there is something in the line of questions she was being asked that misses the point about what went on in Jacksonville. Whose fault it was may matter less than what happens when black voters decide they can't trust the system.

Notice first that Donovan started out with the premise “the problem is voter error.” He got the response he wanted based on the question he asked—a question that falsely assumes there were correct, consistent, unambiguous, and legal instructions on all ballots. He then followed up with a question that *assumed* the problem *was* voter error (“why *do* so many black voters...”) and that blacks are being unreasonable in assuming “harm was done to them.” Presented with a clearly biased question, Anderson first made it clear that she was dealing with a hypothetical question irrelevant to Duval County (“*If* it were their own error”), but then gave Donovan an answer that he used to affirm his assumption (“there is a need to educate voters more”).

Rather than ask questions about what happened in Duval, Donovan asked question based on his assumptions of what happened and elicited the responses he wanted to hear (“we don’t know”). We don’t know what “we don’t know” really means, but Anderson’s tone suggests that we *do* know enough to reasonably suspect that intentional harm was done to blacks. Donovan never pursued this angle, because his agenda was apparently to demonstrate that what is important in Duval County is not the fraud and disenfranchisement, but the differences in “perception” between whites and blacks as to what happened in Duval County.

Donvan then went on in his “stand-up” to completely discount the legitimate concerns of African Americans by implying that “perception” is more important than “whose fault it was.” And having presented none of the evidence of deliberate voter disenfranchisement in Florida and Duval County, having assumed that voter error was the real culprit, and having shown an African American woman saying “we don’t know,” Donvan made his most insidious racist comment. According to Donvan, the important issue is what happens when “black voter *decide* they can’t trust the system.” The message here is clear; black voters are *arbitrarily* deciding that this is a race issue when there is no evidence to support that claim. Having set up blacks as a straw man, Donvan knocked them down.

This is a classic example of a white journalist ignoring the relevance and reality of the experiences of African Americans. “Whose fault it was” is far *more* important than mere “perception,” because the problems caused by those perceptions can only be addressed by first determining whether those perceptions are justified. The first step in resolving problems “caused by differing perceptions” must be to achieve as close a consensus as possible on what the facts are; therefore, every effort must be made to ascertain those facts. This is simple common sense, but it’s common sense that is often ignored when racism influences one’s assumptions.

Although Donvan (and Koppel) consistently implied that blacks in Duval County decided there was a racist conspiracy, no black person from Duval County actually made that claim on camera (despite Donvan’s apparent best efforts to get someone to do so.) Blacks in Duval County clearly *suspect* that the racial discrimination they live with day to day was once again in evidence in the 2000 election; and given the evidence, they have every right to be suspicious. Is the problem that blacks assumed racial discrimination without having evidence to back up that conclusion? Or is the problem that whites, including Koppel, Donvan, and the media in general, assume that the concerns expressed by black Floridians represent a rush to judgment and don’t bother looking for evidence?

More Denigration of Blacks in Duval by *Nightline*

A commercial break followed Donovan's "stand-up." The first thing Koppel said after the commercials was, "It's one thing to allege racial discrimination in the Florida voting, It's quite another to prove it." In doing so, he reinforced Donovan's message that blacks were paranoid and irresponsible in even raising the issue of discrimination. Throughout the program, no effort was made to present the evidence that the "fix was in" in Duval County to disenfranchise thousands of black voters.

The show continued with an interview with the only black columnist in the *Florida Times Union* (Duval's daily newspaper), Tonya Weathersbee. Watching the show, viewers would come away with the conclusion that Weathersbee thought the problems in Duval were solely the result of voter ignorance—that if blacks were "educated" better about voting, all the problems would be solved.

According to Donovan, "she has come to believe that the real culprit on election day was voter inexperience and the best response is voter education." I called Tonya Weathersbee to confirm this account, because it was highly unlikely that any informed African American in Duval County would conclude that the problems in Duval County were solely the result of the ignorance of black voters.

Donovan's statement was a complete misrepresentation of Weathersbee's opinion of what went wrong in Duval on November 7th. Although Weathersbee does recognize the need for better voter education, she is also fully aware that the lack of voter education is not the only "real culprit." *Nightline* edited out all of her comments about the other problems with the election in Duval County, as well as her attempts to explain race relations as they existed in Duval County prior to November 7th. According to her, *Nightline* was far more interested in getting her to say on camera that there was a conspiracy than it was to actually find out what facts caused black voters to suspect there was a conspiracy.

Tonya Weathersbee tried to provide the context for black suspicions of racial discrimination, but because that information was inconsistent with *Nightline*'s agenda, it was left out of its report. *Nightline* went in knowing what it wanted to report ("blacks in Duval say there was a conspiracy, but aren't they just stupid?"), tailored its questions to that specific agenda, and edited out all the comments that would support the "decision" by blacks that the system could not be trusted.

...And of Course, White Republicans Would Never Discriminate!

After a short segment on the potential for blacks to "give up" because the system is rigged, the whitewash of what happened in Duval continued. Donovan asked the rhetorical question,

"Does anyone want that [blacks not showing up at the polls] to result from all this? Who would gain? Republicans? Not according to this Jacksonville Republican."

Nightline then presented Bruce Barcelo, a white Republican Party consultant, who claimed that the GOP would never disenfranchise African Americans. According to Barcelo, "It is not worth the win to throw those votes out, and have people feel they are not part of the system. I have to live in this community. I don't want anybody feeling that way. I don't mind if they lose, but I mind a lot if people think the game is rigged. I mind that a lot. We have to hunt that down and kill it." The conclusion to be drawn here is, once again, that blacks who claim that the election was "rigged" are absolutely wrong.

We are supposed to trust this conclusion because Barcelo says "I have to live in this community." Duval County is highly segregated, but *Nightline* didn't bother to identify what "community" Barcelo actually lives in. As it turns out, Barcelo does not live in the "community" where people think the election was rigged—in a community with a large number of African Americans. According to Tonya Weathersbee, Barcelo actually lives in one of Duval's primarily white neighborhoods. A white Republican saying we "have to hunt that down and kill it" (rather than "reach out and change it," for example) in the context of blacks in Duval County, provides an interesting insight into the mind of white Republicans in Duval County.

Donvan asked "who would gain?" then completely ignored the obvious answer. With 90% of blacks voting Democratic, of course Republicans would gain from low black turnout. Rather than acknowledging this fact, or, for example, providing a clip of Colin Powell gently excoriating the GOP at its convention for continuing to exploit racial tensions, *Nightline* simply glossed over the reasons for the GOP to suppress black voter turnout.

Aren't White Folks Wonderful?

After Barcelo's comment, Donvan again made it clear that, as far as he is concerned, the claims of racial discrimination are without merit. He praised white members of the Duval County's committee for being willing to "consider" the concerns of blacks, despite acknowledging that these same white committee members are not approaching the claims of blacks in Duval with an open mind. It is clear that the Duval committee, dominated by white Republicans (including Bruce Barcelo) and skeptical white Democrats (like its chair, developer Peter Haskell) don't take the concerns of Duval County's black voters seriously at all.

Donvan explained civil rights law, particularly how discriminatory effect, not just discriminatory intent, is illegal. Donvan implied that blacks are completely unaware of this concept, and suggested that if only blacks understood anti-discrimination law, they wouldn't need to resort to claims of "conspiracy." Once again, the message being sent by Donvan is that blacks are stupid, and if only they understood things the way white folks do, they wouldn't be making these wild claims. Donvan never considers that blacks, having been the subject of past discrimination and having struggled to have laws passed that ensure equal treatment, might actually understand the nature of those laws.

As a white reporter who has apparently done no research into the evidence that backs up the claims of black Floridians, Donvan constantly demonstrated the racist assumptions that are the bedrock of his report. At no point in his reporting were the denials of discrimination presented with the same skepticism as suspicions of discrimination.

As noted above, Donovan never interviewed anyone who claimed that there was a conspiracy, merely noted that people in the black community were upset to learn that 1 in 5 black votes had not been counted. He said that “right away, this was perceived as a race issue” but presented no evidence that backs up that claim. Instead, Donovan provided a white voter who made the obvious (but irrelevant) observation that machines don’t know if the voter is black or white.

The problem in Duval was, of course, not the way the machine counted the ballots, but what the ballot design and other factors controlled by white Republican elections officials, which resulted in these “non-discriminating” machines ignoring 1 in 5 votes cast by blacks. *Nightline* presented a white voter who made a reasonable but **irrelevant** point, and never provided the **relevant** information that showed the concerns of black voters were reasonable.

Ted Koppel and Donna Brazile

Having confirmed the impression that blacks in Duval County were stupid and incompetent and had no basis for suspecting that there was intentional discrimination in the 2000 election, in the next segment Ted Koppel brought on Donna Brazile from the Gore campaign. His questions are designed not to lead to any understanding of the concerns of black Floridians, but once again to get someone to say that blacks have no one to blame but themselves. His first question is, “Let’s start with you. You guys screwed up a little, didn’t you?”

Rather than take advantage of the fact that as a black woman and a campaign official, Brazile could provide an important perspective on black voter attitudes toward the 2000 election, Koppel went right into “the blame game.” Brazile made it clear that “foul play” was involved, and Koppel promised her that she will have “plenty of opportunity to talk about foul play.” But he returned to the issue of black voter incompetence. Koppel’s premise is that black voters “screwed up” because the Democratic Party didn’t do their job in educating voters in Duval County. As far as Koppel is concerned, it doesn’t matter that what happened in Duval was the result of at best gross incompetence, and possibly deliberate fraud, by Republican elections officials. What matters is that Democrats did not anticipate that Republican elections officials would design a ballot that was not merely confusing but illegal, provide erroneous instructions on the sample ballot, break the law in the way they counted votes, and then try to cover up all these violations. In other words, according to Koppel the **Democrats** are to blame for the disenfranchisement of black voters.

Koppel asserted that the claims of “foul play” are anecdotal, and challenged Brazile to prove otherwise by citing definitive reports of what happened in Florida—knowing full well that the NAACP and United States Civil Rights Commission have not released final reports of their investigations.

If Koppel had acknowledged that it was the legal responsibility of the (Republican) elections officials in Florida to provide voter education and a clear, unambiguous, and legally designed and counted ballot, there would be no reason to accuse him and *Nightline* of promoting racist attitudes. If Koppel had noted that the Republican officials completely and utterly failed to do the job they were legally required to do, and acknowledged that black attitudes concerning the 2000 election are based in a long history of racial discrimination, there would be no need to discuss this subject.

But Ted Koppel never addressed the failure of white Republican elections officials at both the state and county levels to do their jobs competently and legally, much less explored whether this failure was a factor in black “perceptions” of the election.

Why Is Looking at Florida an “Academic Exercise”?

Koppel, Donovan, and *Nightline* went out of their way to ignore the facts behind the concerns of black voters. In starting out the program declaring that exploration of election fraud in Florida is an “academic exercise,” Koppel shows contempt for black voters.

The news media are not always so dismissive of “academic exercises.” For example, *Nightline* and the rest of the major media have reported every rumor and speculation about alleged improprieties in President Clinton’s granting of pardons. Not once were those stories described as an “academic exercise,” despite the fact that the pardon power of the President is virtually unrestricted and once a pardon is granted it cannot be revoked.

How is it that media outlets like *Nightline* spent so much time and energy on providing distorted and often completely erroneous reports about the Clinton pardons—an “academic exercise” if ever there was one—but have spent virtually no time or energy looking at election irregularities in Florida? Why is it that during the post-November 7th period, the media was all over Palm Beach County, where the overvote rate was 4.11%; while it virtually ignored what happened in Duval County, where the overvote rate was 8.29%? One obvious difference is that the people who were complaining in Palm Beach County were primarily white, while the people who were complaining in Duval County were primarily black.

Is it any wonder that blacks think the “system is rigged against them,” given the fact that the incompetence and corruption by white Republican officials that affected black voters received no media attention? If black voter turnout is suppressed because these voters “get discouraged”—*Nightline* professes to think is a bad thing—hasn’t *Nightline* itself played a major role in “discouraging” black voters by presenting them as stupid and incompetent, and as people whose concerns deserve no serious consideration?

Donovan asked in his report “who stands to gain” in discouraging black voter turnout. Koppel and *Nightline* must think they themselves have something to gain from it. By pandering to racist assumptions about African Americans rather than recognizing that the concerns of African American are legitimate, and by failing to challenging racist assumptions, *Nightline* may be ensuring that any complaints about bias in its reporting will be similarly dismissed as knee-jerk reactions unfounded in fact.

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