

What Freeman is telling Congress

On Dec. 29 Debra Hanania Freeman's representatives served Mitchell's Capitol Hill office with the "Notice of Intention to Contest," excerpted below, as well as filing with the Clerk of the House.

Pursuant to Article I, Section 5, Clause 1 of the Constitution of the United States, and to 2 U.S.C. 381 *et seq.*, Debra Hanania Freeman (the Contestant) hereby notifies Parren J. Mitchell (the Contestee) of her intention to contest his claim to the seat representing the 7th Congressional District of Maryland, and hereby moves this honorable House to declare her the rightful Member of this House representing said District. (. . .)

FACTS AND ALLEGATIONS

4. Upon the completion of pre-trial discovery as provided by 2 U.S.C. §386-388, the Contestant will prove the following:

a) That Contestee Mitchell and his associates conspired with election officials and other persons to commit vote fraud against the Contestant, and through threats and violence attempted to intimidate her and her supporters.

b) That the November 7th general election in the 7th District was so thoroughly permeated with fraud, corruption and intimidation that this House cannot in good faith accept the official results of that election.

c) That a qualified majority of the voters of the 7th District either intended to, or did in fact, cast their votes for the Contestant, and that their votes were not properly registered and counted on the voting machines which were malfunctioning due to tampering and other circumstances.

d) That election officials in the city of Baltimore and the State of Maryland, in violation of the Maryland Election Code, and on behalf of, or at the behest of Contestee, not only certified the results of the November 7 election illegally and improperly, but have further sought to cover up and hide their misdeeds and that of the Contestee by denying the Contestant and her representatives access to such election materials and records as are normally available to the public, but which are now being illegally withheld from the Contestant.

A. Violence and intimidation

5. The Contestant and her campaign staff and sup-

porters were subjected to death threats, assaults, and other violence by persons acting, upon information and belief, on behalf of Parren Mitchell, to wit:

a) During the night of August 29-30, following a televised appearance by Mrs. Freeman, her husband received a telephoned death threat against her, with the caller saying, "your old lady is going to get blown away."

b) On September 5, two youths threatened Mrs. Freeman at gunpoint, stealing her pocketbook including papers and her appointment book, and telling her that if she went into her campaign office, "we'll blow you away."

c) Following the theft of her papers and appointment calendar, individuals with whom Mrs. Freeman had scheduled meetings received telephone calls to "confirm" the meetings, which calls purported to come from Mrs. Freeman, but did not.

d) Subsequently, Mrs. Freeman also received telephone calls attempting to extort money from her in order to secure the return of her papers and documents.

e) On September 7, while Mrs. Freeman was meeting with the FBI to review the threats against her, a police guard had to be placed at her campaign office because suspicious individuals were repeatedly attempting to contact the candidate by telephone.

f) Numbers of campaign appearances which were scheduled for Mrs. Freeman were cancelled due to intervention from persons believed to be associated with the Mitchell campaign.

g) On November 1, Mr. Mitchell's top campaign aide, George Minor, physically threatened a Freeman campaign worker, while telling him "Tell that Jew bitch that she should stay up at Bolton Hill, this is my territory here."

h) On November 3, when Mrs. Freeman arrived at the site for a campaign rally, a well-dressed man approached her car and put a gun against her head, telling her, "if you drive away, nothing will happen to you, but if you try to get out of the car, I'll blow you away."

i) On November 4, a young male attempted to again steal Mrs. Freeman's purse.

j) On Election Day, November 7, a Freeman campaign worker was taunted by four youths, and later in the day the door of the worker's house was smeared with feces.

k) On November 20, when representatives of the Contestant arrived at the voting machine warehouse pursuant to a letter received from the Administrator, they were

threatened with arrest by Mr. David Preller, the President of the Board of Supervisors of Elections, for insisting on their right under the law to examine any of the voting machines used in the 7th District.

B. Electoral dirty tricks

6. Persons who were, on information and belief, associated directly with Parren Mitchell's campaign, deliberately distorted a newspaper advertisement paid for by Mrs. Freeman's campaign so that it appeared to be favoring the election of Mr. Mitchell. The ad, which was placed in the October 14 issue of the Baltimore *Afro-American*, was placed for the purpose of publicizing a television appearance for which Mrs. Freeman's campaign had paid \$1000. The advertisement was supposed to feature Mrs. Freeman's picture and name prominently under the headline, "Put An Independent Voice in the U.S. Congress." The text and layout for the ad were changed so that Mr. Mitchell's picture was substituted for Mrs. Freeman's picture, and his name appeared in large, heavy type while hers appeared in smaller and lighter type. The ad thus appeared to the casual reader to be advocating the election of Mrs. Freeman's opponent.

C. Official misconduct

7. Before and after the November 7 election, the State of Maryland and the City of Baltimore failed to maintain the voting machines used in the election in a safe and secure manner as required by the Maryland election code, to wit:

a) Security precautions at the voting machine warehouse are totally inadequate; there is no 24-hour security guard protection; the burglar alarm system only covers part of the warehouse with another section having broken windows, no burglar alarm system yet installed, and yet full access to all other portions of the warehouse.

b) Despite this completely inadequate protection, all voting machine keys are attached to the machines in full view of anyone entering this warehouse.

8. Because of the above conditions, there is no assurance that machines have not been tampered with, and indeed, as specified below, there does exist considerable evidence that the machines have been subjected to tampering.

9. On November 20 and 21, representatives of the Freeman campaign observed 200 to 300 machines of the 600-700 used in the 7th District. Mrs. Freeman's representatives observed the following conditions:

a) On 24 voting machines, seals were either nonexistent, broken, or misapplied. In one instance, a seal that

was observed to be broken was illegally replaced with another seal during a three-hour period. (. . .)

10. Prior to the elections, Contestant's representatives sought to examine and test the machines to determine if they were working properly, but they were denied the right to conduct even the standard tests of machine functioning.

11. Following the elections, Contestant was notified of her right to canvass the voting machines prior to the certification of the election by Baltimore's Supervisors of Elections. Mrs. Freeman's representatives did appear at the warehouse, and were thereupon threatened with arrest for requesting to actually look at the machines. Finally, in flagrant violation of the Maryland Election Code, the Board of Supervisors of Elections certified (or "verified") alleged results of the November 7 elections to the State Board of Elections before Contestant's representatives had been permitted to observe more than a few machines.

12. In order to cover up and hide the evidence of their official misconduct and fraud, Baltimore election officials have refused to allow a mechanical examination of the voting machines. Such an inspection has also been denied by courts in Maryland which are heavily under the influence of Mitchell supporters. Without such a mechanical inspection of the machines, there is no way of knowing if the machines were in fact subjected to tampering.

13. Baltimore election officials have not gone so far as to deny the Contestant access to such materials as are normally available to the public, hoping in this way to prevent the Contestant from gathering additional evidence through which the November fraud could be conclusively proven. By letter dated December 4, 1978, the attorney for the Board of Supervisors of Elections denied to the Contestant access to return sheets, precinct binders (poll books), voter authorization cards, and other items.

14. With the aid of the discovery mechanisms provided by 2 U.S.C. §386-388, Contestant will be able to have access to these materials and others, which materials will prove that the events described and alleged herein did determine the outcome of the November 7 election, and that she would, in fact, have won an honest election which was conducted properly, in an atmosphere free of violence, intimidation, fraud and corruption. Contestant did win on at least 25 voting machines and won the total precinct vote in 11 precincts. In the areas controlled by the Mitchell political machine, even in many areas of high support for Mrs. Freeman and her policies as evidenced by pre-election canvassing, she was credited with a number of votes so small as to defy credibility. (. . .)