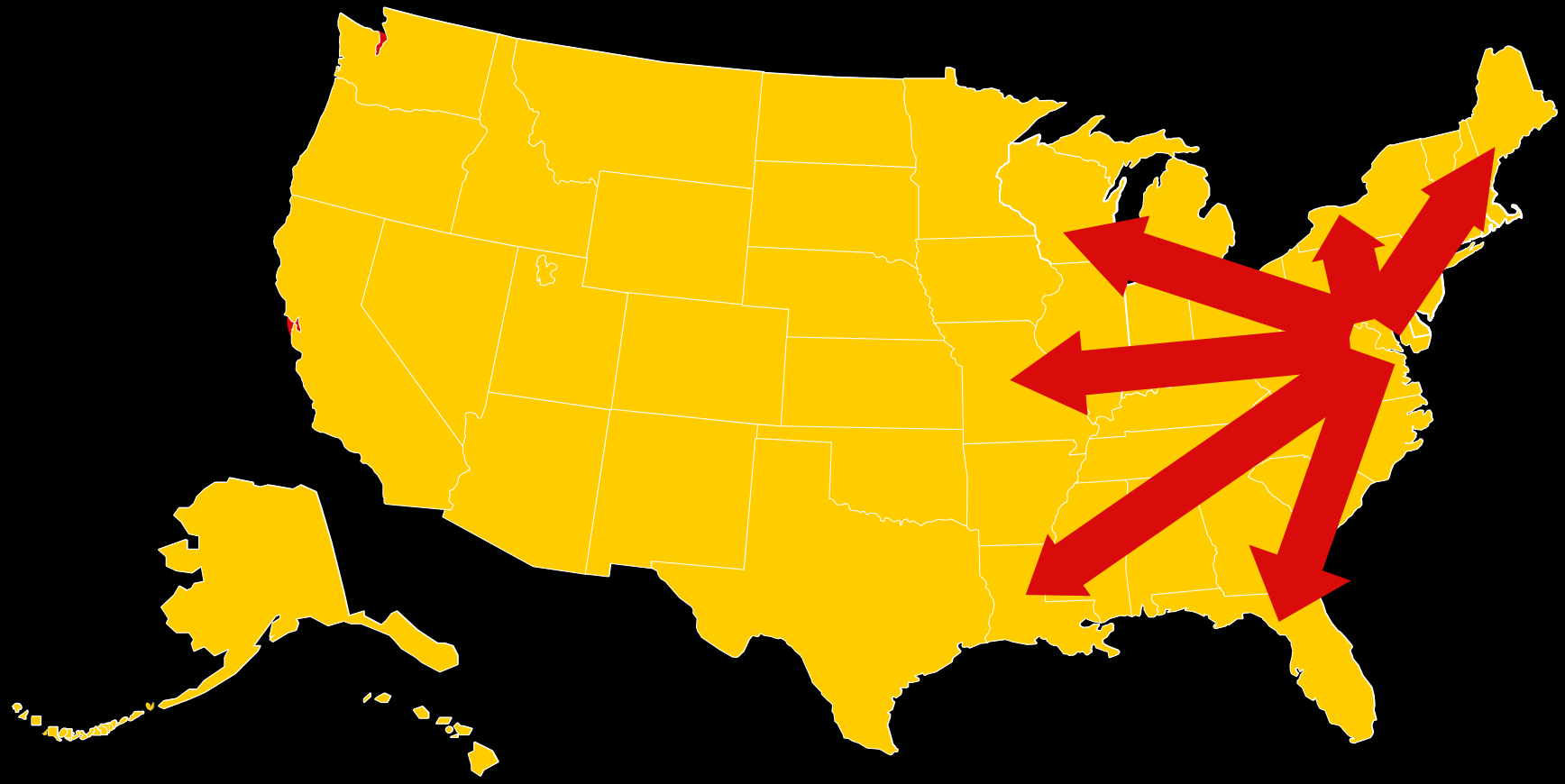
Using Justice to Suppress the Vote

June 7, 2007

BRENNAN CENTER FOR JUSTICE

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

The U.S. Attorney scandal is only a part of the story



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Broader attempt to use government institutions for partisan ends

- United States Attorneys
- Civil Rights Division of DOJ
- Election Assistance Commission
- State government institutions
- Federal and state legislatures

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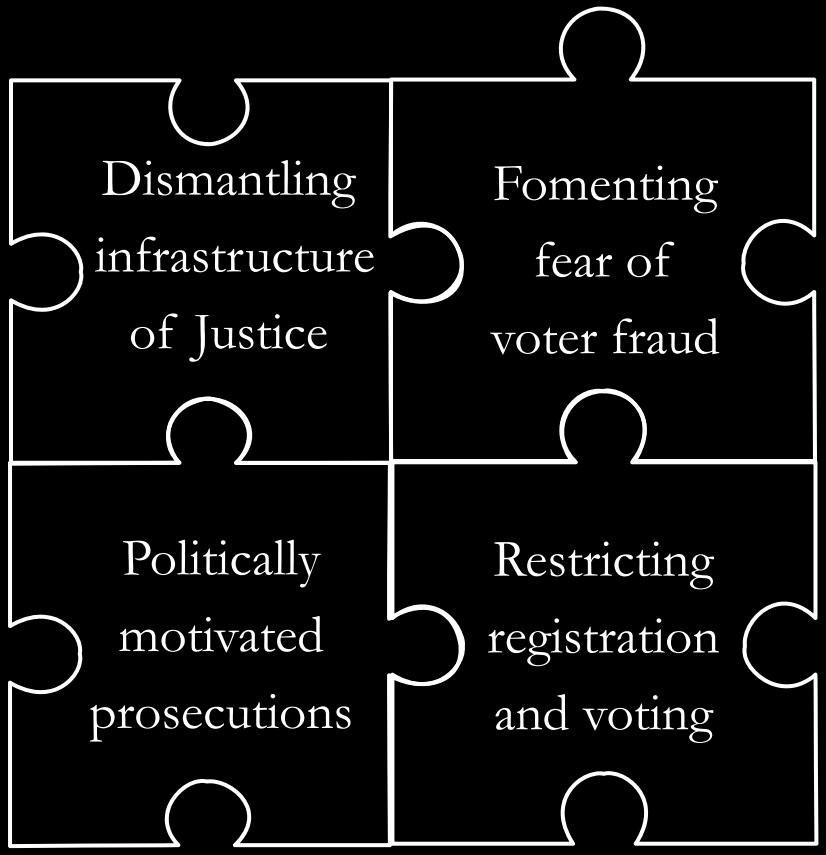
Four connected pieces of the strategy

Hans von Spakovsky

- Counsel, Assistant Attorney General for Civil Rights
- Fulton County, Georgia Board of Registration and Elections



Brad Schlozman

- Acting Ass't Attorney General for Civil Rights
- United States Attorney, W.D. Missouri

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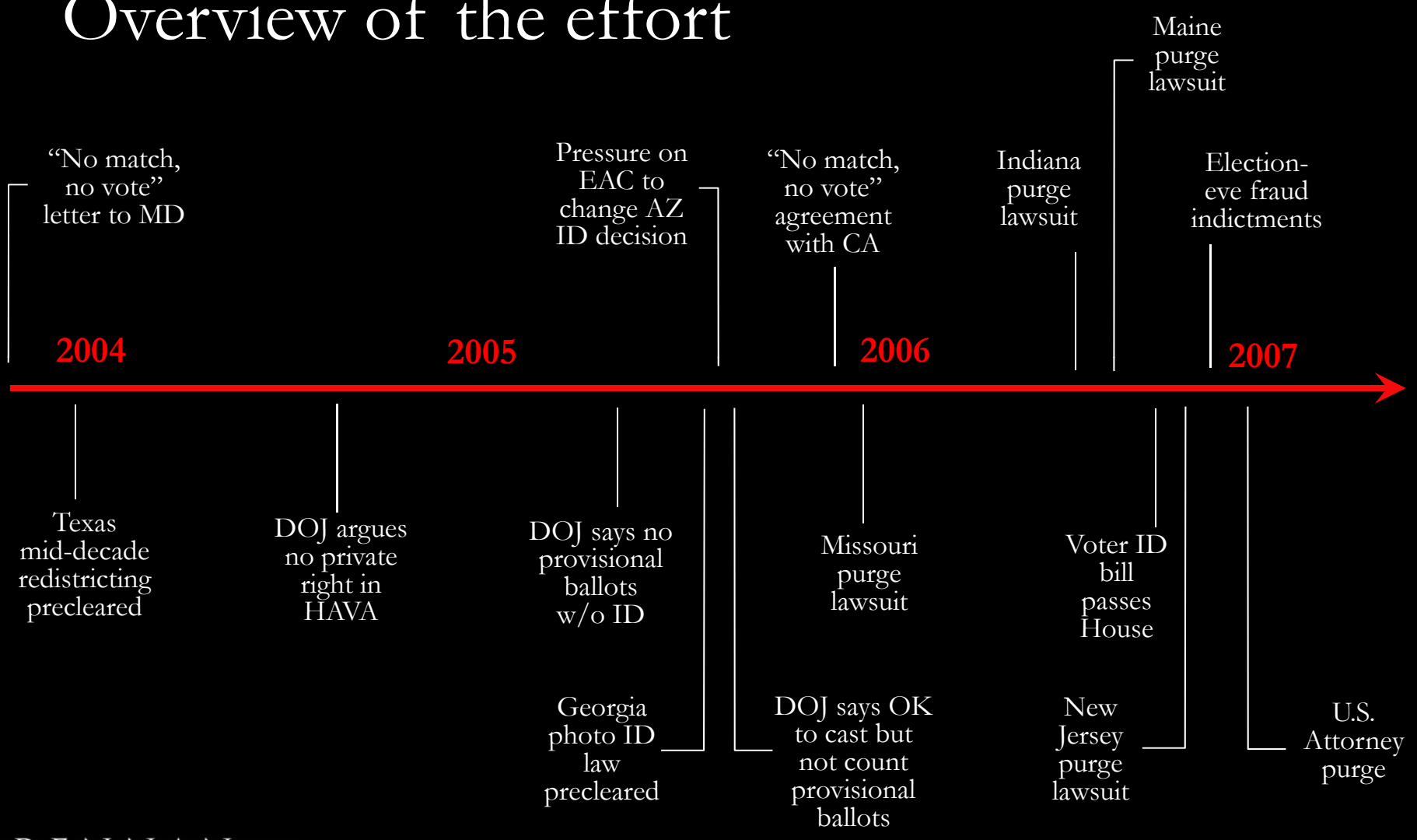
Overview of the effort



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Dismantling the infrastructure of Justice

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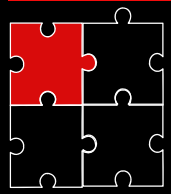

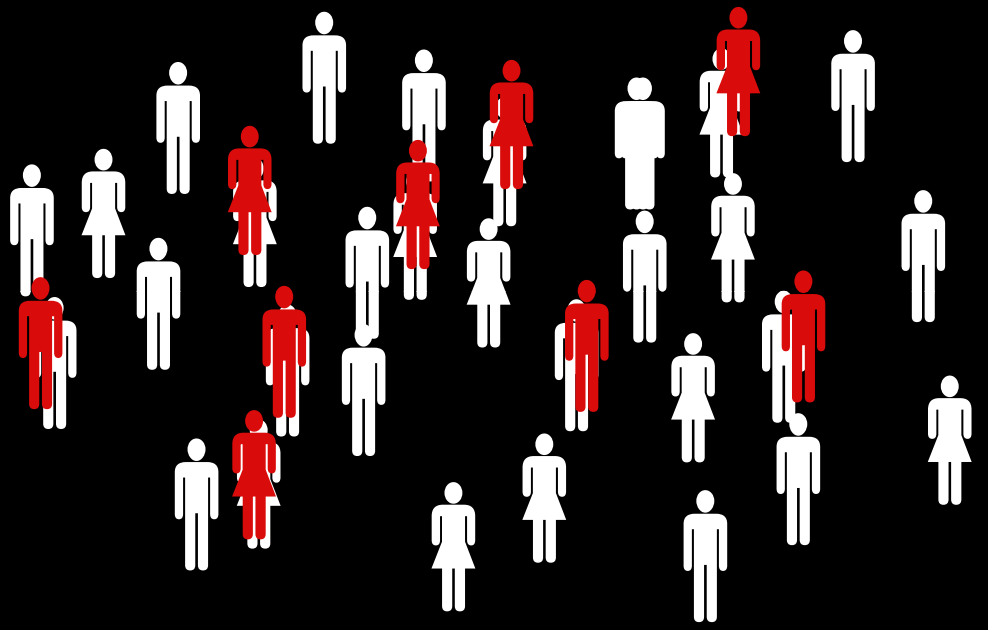

2007 55% of attorneys leave Voting Section in 2 years

- Partisan hiring process
- Altered performance evaluations
- Political retaliation on the job

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Chasing the voter fraud phantom . . .

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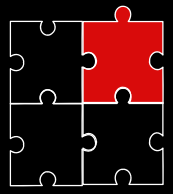

Struck by lightning:

0.0004%

Alleged "hotbeds" of individual voter fraud

- Missouri 2000: 0.0003%
- New Jersey 2004: 0.0004%
- Ohio 2004: 0.00004%
- Washington 2004: 0.0009%
- Wisconsin 2004: 0.0002%

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. . . for partisan ends

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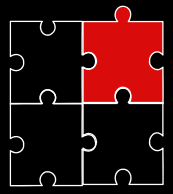

"Among Republicans it is an 'article of religious faith that voter fraud is causing us to lose elections,' [Royal] Masset[, former political director of the Republican Party of Texas,] said. He doesn't agree with that, but does believe that requiring photo IDs could cause enough of a dropoff in legitimate Democratic voting to add 3 percent to the Republican vote."

- Houston Chronicle
  May 17, 2007

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Fear of fraud has been used to justify all sorts of restrictions

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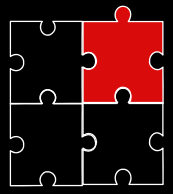

- Restrictive voter ID
- Limits on voter registration
- Purges
- Proof of citizenship requirements
- Provisional ballot restrictions

Columbia MISSOURIAN
5/16/07

"Photo IDs could end voter fraud"

the Charleston Gazette
3/18/06

"Vote fraud: Milwaukee purge demonstrates the need for W.Va. officials to act"

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Pushing illegal voter ID laws that keep voters from the polls

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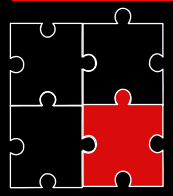

- Georgia law signed, subject to DOJ preclearance — April 22, 2005
- von Spakovsky "Publius" article endorsing voter ID — June 2005
- Career staff recommend objection under Voting Rights Act — August 25, 2005
- Political appointees approve law — August 26, 2005

- Law **struck down** by federal court — October 18, 2005

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Restrictive photo ID laws lock out eligible voters

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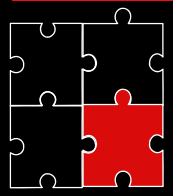

- **10 %** **of the voting-age population**
  no government photo ID (> 20 million voters)
- **36 %** **of voters over 75**
  no driver's license in Georgia
- **78 %** **of African-American men** 18-24
  no valid driver's license in Wisconsin
- **97 %** **of students**
  no current address on a Wisconsin driver's license

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Pushing illegal "matching" that keeps voters off the rolls

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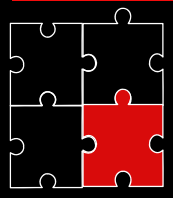

- von Spakovsky's "no match, no vote" opinion
- Schlozman's "model" agreement with CA

BUT

- 20-30% initial rejection rate of new registrants
- **Struck down** by federal court

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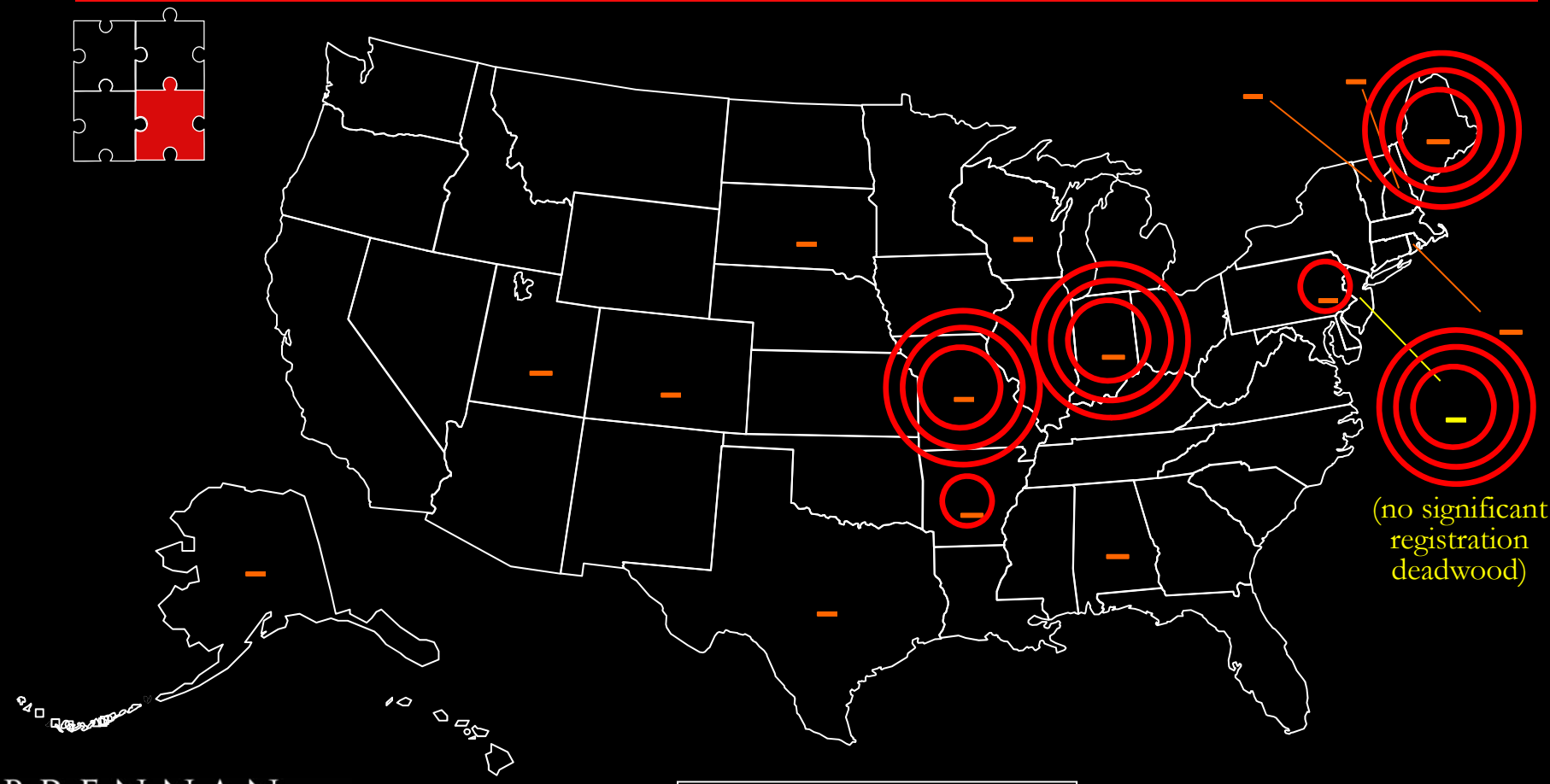
Pushing aggressive purges



Significant registration deadwood
EAC 2004 survey

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Pushing proof of citizenship requirements

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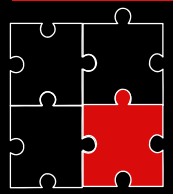

22,000 voters rejected in Arizona

EAC decision: additional proof (on top of federal form) is illegal

and then…

From: pdegregorio@eac.gov <pdegregorio@eac.gov>
To: von Spakovsky, Hans (CRT) <Hans.VonSpakovsky@crt.usdoj.gov>
Sent: Mon Aug 29 22:58:26 2005
Subject: e-mail from Jack Bartling

Hans,

Is the e-mail below from Jack Bartling a product of some phone calls you have made regarding the AZ case? Is it an attempt by you to put pressure on me--and the EAC? If so, I do not appreciate it.

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Approving discriminatory redistricting plans

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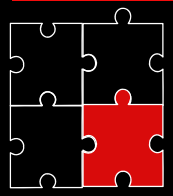

- "With the extreme level of polarization in the district, Hispanic voters simply no longer have any ability to elect their candidate of choice."
  - Career attorney memo, December 12, 2003
- "The Attorney General does not interpose any objection to the specified changes…"
  - DOJ approval letter, December 19, 2003
- "In essence the State took away the Latinos' opportunity because Latinos were about to exercise it."
  - U.S. Supreme Court, *LULAC v. Perry*

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Pushing other legal rules that harm voters

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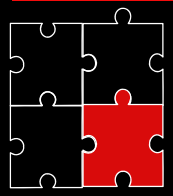

- DOJ: Voters can't go to court to enforce the Help America Vote Act
- DOJ: States can prevent voters from casting provisional ballots
- DOJ: Provisional ballots can be cast but not counted
- DOJ: Uphold Ohio's discriminatory challenger law

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Pushing politically motivated prosecutions

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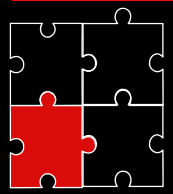

- "I believe the primary reason for my forced resignation is that I was not engaged in filing criminal complaints … in advance of the '06 election."
  - former U.S. Att'y David Iglesias, quoted in L.A. Times, May 19, 2007

- "At least one other recently ousted United States attorney, John McKay of Seattle, said he believed that Bush administration officials were similarly angry that he had not prosecuted voter fraud cases involving Democrats."
  - New York Times, Mar. 18, 2007

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Violating DOJ policy

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testimony before
Senate Judiciary
Committee
June 5, 2007

SCHLOZMAN: I was aware of the general policy that the Department refrains from indicting certain election-related crimes before an election.

* * *

LEAHY: Would it have affected your ability to bring the prosecution if you had just waited a few weeks until the election was over?

SCHLOZMAN: I doubt there would have been any impact on the actual prosecution.

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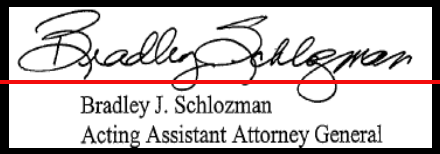
DOJ has been involved throughout . . .



	Bradley J. Schlozman	Hans A. von Spakovsky
Georgia photo ID law	✓	✓
"No match, no vote" registration policy	✓	✓
Missouri purge of voter rolls	✓	✓
Arizona proof of citizenship	✓	✓
Texas mid-decade redistricting	✓	✓
Missouri last-minute indictment	✓	B

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. . . and wrong throughout

Georgia photo ID law	**Struck down by court**
"No match, no vote" registration policy	**Struck down by court** -
Missouri purge of voter rolls	**Struck down by court**
Arizona proof of citizenship	**Tens of thousands blocked**
Texas mid-decade redistricting	**Struck down by court**
Missouri last-minute indictment	**Effect on election???**

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What must be done?

- Thoroughly question von Spakovsky
- Carefully investigate government vote suppression efforts
- Reject von Spakovsky nomination
- Pass election agenda that protects the vote

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