

GOP Vote Suppression: A Crime Against the U.S. Constitution

by Edward Spannaus

“The kinds of fraud which were perpetrated by the Republicans alone in this election, were sufficient to send these guys to jail, if not to un-elect them,” declared former Democratic President candidate Lyndon LaRouche during his Nov. 9 webcast. “Voter suppression! . . . That’s tyranny! That’s dictatorship! And there was a lot of it,” LaRouche emphasized.

LaRouche charged that those Republicans who engaged in the crime of vote suppression around the Nov. 2 Presidential elections are guilty of violating the Federal Voting Rights Act and the U.S. Constitution, and he pointed out that, “from a Constitutional law standpoint, what was made was a not-so-cold coup d’état against the United States Constitution.”

In response to a number of questions about the fraud and irregularities in the elections, LaRouche said that the Republicans had taken advantage of the fact that the Democratic Party had not mobilized among the lower 80% of the population, and instead was still orienting toward the suburban “swing” voters, as it has in recent elections. To defeat the fraud being planned by the Republicans, required that the Democrats organize a landslide, but only the forces around LaRouche and those working with us, mobilized in this manner.

Otherwise, the Democratic Party was the “sitting duck party,” LaRouche said, and was totally unprepared for the criminal operations that the Republican Party was planning.

Mobilization by Democrats Begins

Since the election, after an initial period of shock and demoralization on the part of many Democrats, voting-rights activists and some political leaders have begun to take stock of the situation and mobilize.

Notable is the initiative taken by Rep. John Conyers (D-Mich.), the senior Democrat on the House Judiciary Commit-

tee, and other members of Congress, in requesting a Government Accountability Office (GAO) investigation of the conduct of the elections, with particular emphasis on computer voting discrepancies, and how election officials responded to problems that emerged around the elections (see *Documentation*).

The second letter, sent by Representative Conyers and five other Congressmen on Nov. 8, pointed to the fact that there have been more than 30,000 complaints posted on one website alone, and that these members of Congress “continue to receive additional reports every minute.” They asked the GAO to take steps to preserve the evidence, noting: “There is substantial concern that much of the primary evidence needed to evaluate these allegations will not be preserved without immediate action.”

A coalition of voting rights and civil rights groups, including some elected officials, is holding public hearings on “voting irregularities and voter suppression” in Columbus, Ohio, on Nov. 13 and 15. The legal counsel for the Ohio Kerry-Edwards campaign has told supporters that the campaign and the state Democratic Party are proceeding with several lawsuits that were filed prior to the elections, and he has tacitly encouraged others to take actions and file lawsuits to see that all votes are counted. Most of the pending lawsuits deal with Republican vote-suppression efforts, as described below.

Ashcroft’s Treacherous Role

Vote-suppression operations are nothing new, as was documented in a report published by the NAACP and People for the American Way a few months before the election. But what dramatically altered the situation this year, was the fact that John Ashcroft’s Justice Department had switched sides.

By law, the Department of Justice is charged with enforcing the 1965 Voting Rights Act and other civil rights laws, through both civil actions and criminal prosecutions. But Ashcroft turned this on its head. As we reported in the Oct. 8 *EIR*, “Ashcroft and GOP Gearing Up Voter Suppression for November Election,” Ashcroft has packed the Department’s Civil Rights Division and its Voting Section with right-wingers, and has virtually stopped enforcement of the Voting Rights Act. Instead, he has shifted the focus from voting access, to “voting integrity”—a Republican code word for challenging Democratic registrations and voters, under the guise of ferreting out “vote fraud.”

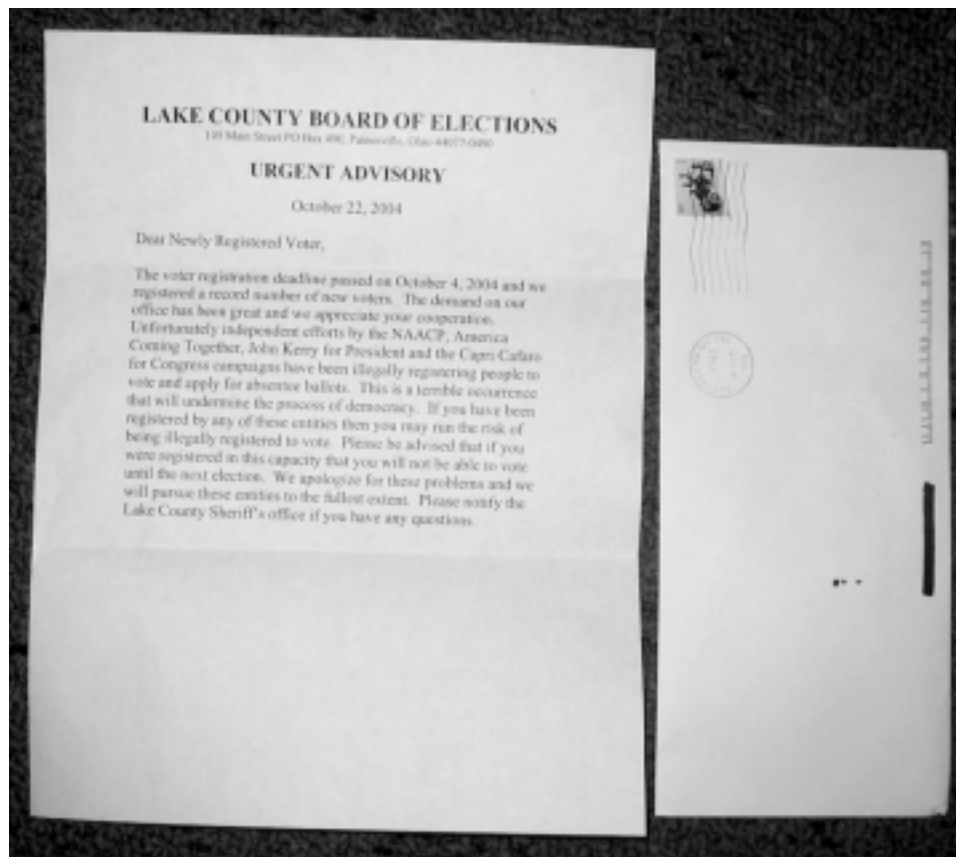
(This, by the way, points to the very first question that should be asked in the Senate confirmation hearing for Alberto Gonzales, President Bush’s nominee to replace Attorney General Ashcroft. Will Gonzales enforce the Voting Rights Act, and vigorously prosecute those who are trying to disenfranchise minority voters, rather than aiding and abetting them, as Ashcroft has done?)

Disenfranchising Voters

Criminal vote-suppression operations were run by the Republicans and their allies in many states, ranging from illegal purging of voter rolls, to dirty tricks to keep minority voters from going to the polls, to preventing them from casting a ballot if they did make it to the polling place. But the state of Ohio has become Exhibit A in the expanding indictment against the Republican Party for efforts to suppress the vote before and during the November elections.

While there are still 250,000 to 300,000 votes to be counted in Ohio, this is only part of the picture. More significant, in terms of outright criminality, is the systemic effort to prevent or discourage Democratic and especially minority voters, from even going to the polls, or otherwise to make things so difficult, that many voters got discouraged and left the polling places without voting.

As Rep. Dennis Kucinich (D-Ohio) stated recently: “Dirty



This fake letter, allegedly from the Lake County, Ohio Board of Elections, falsely advised voters that they had been illegally registered by the Kerry campaign, NAACP, and other organizations. The origin of the letter is under investigation by the sheriff’s department.

tricks occurred across the state, including phony letters from Boards of Elections telling people that their registrations through some Democratic activist groups were invalid, and that Kerry votes were to report on Wednesday because of massive voter turnout.”

For example, in Lake County, official-looking letters, on Board of Election letterhead, were sent to newly registered voters, telling them that if they had been registered by the NAACP, the Kerry campaign, or other groups, that they may have been illegally registered, and could not vote. The local sheriff is reported to be investigating the fraudulent letters.

In September, Ohio Secretary of State J. Kenneth Blackwell issued an order changing the normal practice regarding provisional ballots, so that such ballots could only be given to voters if they lived within the precinct of the polling place. The effect of the Blackwell order was to disenfranchise many tens of thousands of voters who may have moved, or who may have been confused about their precinct boundaries. When lawsuits were filed against Blackwell, Ashcroft’s Justice Department intervened on Blackwell’s side—not on the side of the voters. Two Federal judges in Ohio issued injunctions

against Blackwell, saying that his order violated the 2002 Help America Vote Act (HAVA), which intended that a provisional ballot could be used so long as the voter was within the correct county. On the eve of the election, the Federal appeals court in Cincinnati overturned the lower-court injunctions, thereby leaving Blackwell's order standing.

Blackwell also tried another stunt to obstruct new voter registrations, issuing orders to local election officials that they should only accept registrations printed on 80-pound paper stock; he was forced to rescind this after a public outcry.

And in tactics reminiscent of the old "Jim Crow" practices in the Deep South, Republicans then announced plans to challenge 35,000 new Democratic voter registrations before the elections. When blocked by the courts from carrying out this blatantly racist scheme, the GOP laid out plans to put 3,500 challengers in heavily Democratic and minority polling places on Election Day, in order to challenge and intimidate Democratic voters. This scheme was also blocked by the Federal courts, but, then again, the lower-court rulings were vacated by the Federal appeals court.

GOP Goes to 'Plan B'

But with the GOP challenge scheme under such scrutiny in the courts and the news media, Republican voting officials went to "Plan B," according to Bob Fittrakis, a professor at Columbus State Community College, who served as a legal advisor for the Election Protection Coalition in Columbus. This plan was to depress the Democratic vote, by *not providing enough voting machines in Democratic and especially African-American areas*. This meant that voters in these polling places frequently had to stand in line for three to four hours, and in some cases up to seven hours, often in the rain, before they could vote. In contrast, in white and suburban areas around Columbus, for example, the average waiting time was only 20 minutes. There are reports, now being investigated, that a large number of voting machines were held back at the Board of Elections warehouse, instead of being delivered to polling places where they were desperately needed.

Predictably, many minority voters simply got discouraged and left without voting, or, in other cases, had to leave because they could not afford to take the time off from their jobs. Many such cases have been documented in Cleveland, Columbus, and Youngstown, in particular.

Under these conditions, simply pressing for a full counting of the vote, is clearly not adequate, because votes can only be counted if voters got to the polls in the first place, and then were able to cast a vote, rather than leaving because of harassment or intolerably long waiting times. As LaRouche said, the people responsible for this, from Secretary of State Blackwell on down, should be prosecuted for criminal conduct in suppressing of one of our most sacred Constitutional rights: the right to vote.