

Giant leap backward: GOP-driven voter-id laws are product of a phony crisis

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In early July, U. S. Attorney General Eric Holder spoke to the NAACP's annual convention in Houston. At one point, the nation's top law-enforcer told the audience that the wave of toughened voter-ID laws promoted by Republicans across the United States was reminiscent of an earlier era.

The laws, Holder said, were a 21st-century version of the "poll tax," an effort by the powerful to keep poor whites and blacks from exercising their constitutional right to cast a ballot. "Let me be clear: We will not allow political pretexts to disenfranchise American citizens of their most precious rights," Holder said. "I can assure you that the Justice Department's efforts to uphold and enforce voting rights will remain aggressive."

In the aftermath, Holder's opponents settled on an old familiar talking point. Hmmff, they snorted, what's so hard about picture IDs, which are required to open a checking account, purchase alcohol or even gain entrance into the hall where Holder addressed the members of the NAACP.

The talking point spread like wildfire, frequently asserted by the Republican proponents of voter-ID laws. "If citizens are required to show ID in order to open a bank account, cash a check, drive a car or board a plane," says U. S. Rep. Lamar Smith, R-Texas, "how much more important is it to show ID in order to exercise one of our most valuable democratic rights?"

In a perverse way, however, the talking point is what a poker player would call a "tell," a giveaway of its speakers' true intentions. Voting is a constitutional right, the very cornerstone of our democracy. Flying on airplanes, owning a bank account or even hearing the attorney general are all fine things, but they aren't a building block upon which rests the precious notion of one man, one vote.

To make this comparison is to cheapen a right bought through the sweat and blood of those who fought to see the ballot box open to more Americans. This era's drive for greater restrictions is nothing less than an effort to return the nation to a place where it was harder for the disenfranchised among us to vote.

The Republicans are targeting voters who aren't friendly to their candidates. There's no nicer way to put it. They have manufactured a phony crisis of massive voter fraud, claims that are not supported by evidence. A study by the Brennan Center for Justice suggests toughened voter ID laws could take the vote away from more than 5 million Americans who are properly registered.

Our nation's arc has historically been toward greater access to the ballot. From a place where polling places were once the domain of white males with wealth we have moved to a nation where racial minorities, women and those over age 18 can legally vote. What's at stake in this Republican drive where more than 30 states have made casting a ballot more difficult is a step backward. Actually, it's more like a giant leap backward, one so drastic that the U.S. attorney general compares it to the poll taxes of Jim Crow days.

Looking as tough as our neighbors: Alabama couldn't pass up chance to enact unneeded voter-id law

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Welcome to the Me-Too State, Alabama. In Montgomery, the Statehouse Republican majority is earning a dubious reputation for following the crowd. That crowd being other Republican legislative majorities across the United States.

When other states began writing bigotry into their laws in the form of anti-illegal immigration laws, Alabama did the same.

As other states bogged down in the fever swamp of conspiracy theories suggesting United Nations takeovers of private property, Alabama passed a law banning something called Agenda 21.

And with toughened voter-ID laws all the rage in GOP circles, Alabama in 2011 passed a law requiring photo identification from voters on Election Day. Why? Couldn't be because of rampant voter fraud. In 20 years, there have been fewer than a dozen cases of Alabamians convicted of fraudulently voting.

Couldn't be because of a lack of a voter-ID law. Alabama already has a law requiring ID; acceptable forms included driver's licenses as well as utility bills, Social Security cards and other documents establishing the name and residency of a voter.

Couldn't be because Alabama was so flush with cash that it needed a place to spend it on a non-existent problem. In fact, Alabama is so cash-strapped that it's difficult to imagine how it will be able to afford to produce photo IDs for those without one who are willing to take the time and effort to obtain what's required at the polling place.

What's far more likely is that Alabama's Republican majority didn't want to miss out on a chance to look just as tough as the next state.

All this would be a relatively harmless case study in how the party of Lincoln is ripping itself apart in a race to the bottom. However, the consequences of Alabama's voter ID are very real. Serious analysis strongly suggests Alabama's law — like others across the country — will depress voter turnout among the poor, the most defenseless among us. They, too, deserve a chance to vote without climbing unnecessary barriers.

The rarity of voter fraud: Pennsylvania's voter-id bill is example of these laws' real intent

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Before it can be applied in this fall's elections, Pennsylvania's newly passed restrictive voter-ID law must make its way through the courts.

As Columbia University journalism professor Thomas B. Edsall recently pointed out in a New York Times column, when Pennsylvania's governor signed the bill into law this spring, he implied it would clean up what is presumably the mess of voter fraud.

"I am signing this bill because it protects a sacred principle, one shared by every citizen of this nation. That principle is: one person, one vote," Gov. Tom Corbett said on March 14. "It sets a simple and clear standard to protect the integrity of our elections."

So, asks a Pennsylvania state court, what precisely is in need of protection at Keystone State ballot boxes?

The answer from state attorneys defending the law is: Eh, nothing really.

"The Parties are not aware of in-person voter fraud in Pennsylvania and do not have direct personal knowledge of in-person voter fraud elsewhere. Respondents will not offer any evidence in this action that in-person voter fraud has in fact occurred in Pennsylvania or elsewhere," the attorneys told the court.

That was then. What about now?

"Respondents will not offer any evidence that in-person voter fraud is likely to occur in November 2012 in the absence of the Photo ID law," came the response from the state's legal team.

Pennsylvania is not an outlier, either.

Instances of voter fraud are rarer than cases of people being struck by lightning.

So, why all the fuss? How have more than 30 states — all but one controlled by Republicans — tightened voter-id laws in the past four years?

The answer is the supremacy of Republican messaging, a skill that gives Republicans a distinct advantage over their Democratic rivals. Recall that Republicans have convinced a sizeable portion of their base to (a.) distrust the scientific consensus on climate change; (b.) question the authenticity of Barack Obama's citizenship and religious faith; and (c.) prefer a dog- eat- dog health-care system over modest reforms that seek to control costs and cover more Americans.

Under this cloud, it's taken as gospel by supporters of voter-suppression laws that thousands of cases of voter fraud are occurring across the United States.

"Our Founders' faith in the viability of representative democracy rested on their trust in the wisdom of a well-informed citizenry, their ingenious design for checks and balances, and their belief that the rule of reason is the natural sovereign of a free people," writes Al Gore in his 2007 book *The Assault on Reason*. "The Founders took great care to protect the openness of the marketplace of ideas so that knowledge could flow freely."

The voter-ID laws in question here will do very real damage to the founding ideal of a representative democracy by likely suppressing the votes of many of those at the bottom of the ladder. Another casualty is the public's ability to honestly assess our public issues without the noise of channels of disinformation.

A problem that doesn't exist

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Kerry Rich, meet John B. Knox. Rich, a Republican state legislator from Albertville, was the sponsor of a bill to toughen Alabama's voter-ID law. His plan succeeded, and Alabama voters in 2014 will be required to produce a photo ID at the polls.

Knox, an Anniston attorney, was in his prime a century ago. In 1901, he, too, was concerned with making sure the right people voted and the wrong ones did not.

On the second day of Alabama's 1901 constitutional convention, Knox was elected president over the proceedings. His first order of business was, in his words, to "protect the sanctity of the ballot."

"Our aim should be for a correction of all evils which threaten the purity of the ballot and the morals of the people," he said on May 22, 1901.

Inspiration came from Alabama's neighbors, with their poll taxes and literacy requirements. For Knox and his constitutional conventioners, the target were black voters who, in his view, supported a government that "wasted money, created debts, increased taxes until it threatened to amount to confiscation of our property."

In practice, the 1901 Constitution denied more than black Alabamians access to the ballot. Poor and uneducated whites often found themselves without a political voice thanks to the system established by Knox and the other wealthy white men who wrote the state Constitution.

Rep. Rich's stated objective in toughening Alabama's voter-ID law is to prevent voter fraud. There is no evidence to hint that Rich's goal is racially motivated, and this page isn't suggesting such.

However, based on the evidence from other states that have passed similar laws, unintended consequences will land hard in 2014. Many of the poorest eligible voters will find it difficult to acquire a valid picture ID. Despite the promise of a "free" ID, Alabamians in need will have to cough up money to purchase supporting documents — a birth certificate, for example — required by the state.

In Rich's view, the price is worth it. For a rationale, he leaned on the clichéd saying, "An ounce of prevention is better than a pound of cure."

The fear is the prevention Rep. Rich measures in ounces will feel like a crushing weight on the poorest and most voiceless Alabamians seeking to vote.

Bob Davis: Seeking proof of fraudulent voting

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Here's the scenario. A driver is tooling around town, running a few errands on roads he knows like the back of his hand. While his mind drifts from one topic to the other, he rounds a curve and suddenly becomes hyper-aware of his speedometer.

This, he thinks to himself, is a spot where a police car looking for speeders is usually parked. I better watch my speed or I'll get a ticket.

In a very simplified form, that is until recently the basic premise behind the nation's voting laws. The enforcers of this law can't be everywhere at all times, but woe to violators if they get caught committing voter fraud; hefty fines and jail terms are the punishment.

The exception is that cases of motorists exceeding the speed limits happen a lot more frequently than cases of voter fraud. A lot more.

"The number of people who commit actual voter fraud in a given year is smaller than the number of people who are struck and killed by lightning," Justin Levitt, a Loyola University law professor who has studied the issue extensively, told The Star's Tim Lockette.

Since 1990, less than a dozen Alabama residents have been convicted of voter fraud. The NCAA has sanctioned the athletic departments of the University of Alabama and Auburn University about as many times over that same period. Yet, the Alabama Legislature isn't writing laws to prosecute corruption in the state's athletic departments. It's taking steps to crack down on voter fraud with a new law taking effect in 2014.

For proponents of Alabama's law, as well as similar laws across the country, fraudulent voting is all around us. Yet, when pressed for evidence of widespread wrongdoing, very little is provided. Last year Artur Davis, the former congressman from Alabama, claimed he was confident voter fraud was happening in Alabama.

"Voting the names of the dead, and the nonexistent, and the too-mentally-impaired to function, cancels out the votes of citizens who are exercising their rights — that's suppression by any light," Davis wrote in a 2011 Montgomery Advertiser column. "If you doubt it exists, I don't; I've heard the peddlers of these ballots brag about it, I've been asked to provide the funds for it, and I am confident it has changed at least a few close local election results."

Reached for further comment by The Star's BamaFactCheck.com, Davis refused to offer specifics. "I don't think that anybody who has lived in the state of Alabama over the past 10 years doubts that voter fraud exists," he said.

Voter fraud, in this telling, is all around us, yet as difficult to nail down as the ether.

Consider the case of the Alabama Secretary of State's office. It maintains a voter fraud hotline where Alabama residents can report law-breaking. Julie Sinclair, elections attorney for the Secretary of State, told The Star that less than 10 calls a year concern allegations of voter fraud. And, remember, these are but allegations. Convictions are even scarcer.

The nonpartisan Brennan Center for Justice has closely examined voter ID laws, like the one Alabama will implement in two years. The center looked at new voter ID laws in 14 states and concluded voting could become "significantly harder" for more than 5 million properly registered voters in 2012.

"Like fool's gold, the claims of widespread voter fraud are fast, cheap, and shiny — and collapse under close inspection," the center concludes.