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October 18, 2008: The Anti-Voter Conspiracy of the Republican Party

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10/18/2008--Misidentification on voter applications is not voter fraud and is not a crime. The crime requires criminal intent, for example the intent to sign up someone who is not eligible or voting twice in one election. I know nothing about ACORN but I doubt very much that the organization has engaged in any criminal activity. Why would they when there are so many eligible poor people who are not registered and do not vote? Yes, ACORN uses "felons" to sign up voters. Why not? It's an honest job. It's not as if people are being threatened if they don't want to register. These investigations of Acorn are simply intended to intimidate poor people into not voting. Over recent years, the Republican Party has apparently come to the conclusion that they cannot win elections if all Americans vote. Therefore, they have cynically engaged in a conspiracy to restrict voting by groups they consider hostile, such as young people, poor people and people of color. This is why we now hear about "voting fraud", though in fact there isn't much, if any. In fact, some of the Republican U.S. Attorneys were fired because they refused to go forward with voter fraud cases they considered lacked evidence of criminal activity. Usually, I consider partisan differences to be simple disagreements among people of good faith. Not in this instance. These efforts by the Republican Party remind me of efforts in the 19th century in the Old Confederacy to purge the voting roles of black voters—efforts which succeeded. In one case I teach in Criminal Law, Alabama prosecuted a man for the felony of illegal voting in 1875 when the evidence showed he honestly believed he was of age. Fortunately the court required proof of knowledge that one was illegally voting to be guilty of the crime. [Gordon v. State] The Post-Gazette reported today on a lawsuit by the state Republican Party against the Pennsylvania Department of State and ACORN alleging fraud. They want Acorn to pay for ads telling people they must bring identification before they vote. This is a requirement but it is often ignored. What is this except a warning not to vote? The Republican Party is making a mistake. When you are afraid of democracy, you have no future.