

FOR IMMEDIATE RELEASE
September 20, 2010

Contact: Robert Doeckel
Cell: (608) 217-0194

One Wisconsin Now Exposes Voter Suppression Plans Between Republican Party of Wisconsin, Americans for Prosperity, Tea Party Groups

*Coordination on Voter Caging, Targeting Minorities, College Students Outlined in Documents,
Tea Party Meeting Recording*

Madison – A coordinated plot by the Republican Party of Wisconsin, Americans for Prosperity-Wisconsin and organizations in the so-called Tea Party movement targeting minority voters and college students in a possibly illegal “voter caging” effort for voter suppression has been uncovered in evidence obtained by One Wisconsin Now, a statewide advocacy organization in Madison, Wisconsin.

“Based on what we have heard, the Republican Party of Wisconsin, the Americans for Prosperity-Wisconsin and leading Tea Party organizations are in collusion in an effort to suppress the ability of minorities and university students in Wisconsin to exercise their right to vote this November,” said Scot Ross, One Wisconsin Now Executive Director. “We will be providing all of the evidence we have received on this wrongdoing to federal and state authorities so that they can investigate to ensure justice and democracy prevail.”

Ross said One Wisconsin Now will today be filing formal requests for investigation with the U.S. Attorney’s Office, as well as the Wisconsin Attorney General’s Election Integrity Task Force and the Government Accountability Board demanding a full investigation to ensure the right to vote is not stolen by these plans.

The non-partisan Brennan Center for Justice outlines the process of voter caging:

Voter caging is the practice of sending mail to addresses on the voter rolls, compiling a list of the mail that is returned undelivered, and using that list to purge or challenge voters registrations on the grounds that the voters on the list do not legally reside at their registered addresses. Supporters of voter caging defend the practice as a means of preventing votes cast by ineligible voters. Voter caging, however, is notoriously unreliable. If it is treated (unjustifiably) as the sole basis for determining that a voter is ineligible or does not live at the address at which he or she registered, it can lead to the unwarranted purge or challenge of eligible voters. ...Moreover, the practice has often been targeted at minority voters, making the effects even more pernicious. [Brennan Center](#), “A Guide to Voter Caging,” 6/29/07]

One Wisconsin Now obtained an audio recording it has verified as authentic from a June 12, 2010 meeting between the leaders of the state’s Tea Party movement, led by Tim Dake, head of the GrandSons of Liberty. Dake serves as a regular spokesperson for Wisconsin’s Tea Party organizations and is widely viewed as the movement’s Wisconsin leader. The full audio, available at One Wisconsin Now’s voter protection website, www.SaveWisconsinsVote2010.org, details the plans for a coordinated voter suppression efforts, which is anchored in challenging voter eligibility on Election Day this November 2.

THE PLOT

According to the statements made on the recordings, Dake lays out the plans, detailing contact between himself and Reince Preibus, the Republican Party of Wisconsin Chair and Mark Block, state director of Americans for Prosperity-Wisconsin:

- The Republican Party of Wisconsin will use its “Voter Vault” state-wide voter file to compile a list of minority and student voters in targeted Wisconsin communities.
- Americans for Prosperity will use this list to send mail to these voters indicating the voter must call and confirm their registration information, and telling them if they do not call the number provided they could be removed from the voter lists.
- The Tea Party organizations will recruit and place individuals as official poll workers in selected municipalities in order to be able to make the challenges as official poll workers.
- On Election Day, these organizations will then “make use” of any postcards that are returned as undeliverable to challenge voters at the polls, utilizing law enforcement, as well as attorneys trained and provided by the RPW, to support their challenges.

According to the recordings, Dake told the assembled Tea Party members he leads:

So, what we’re hoping is that the various groups in the coalition plus Americans for Prosperity and Mark Block, who has been in on this, and the Republican Party, and this is coming all the way from the top: Reince Priebus has said, “We’re in.” And there’s a reason why these guys are volunteering to work with us. They have access to what they call Voter Vault, you know the records of voting. They can go in there and look for lapsed voters. They can go in and compare lists of voters and say, “Oh look at this. This person is registered in this county, this county, this county, and this county.” And do something about this. So we’re talking about a broad based support behind this idea. What they’re offering is training.

Dake continues in the recording to outline the plan:

[RPW is] offering to do the training; it’s not going to cost anything, but what we’re looking at is statewide getting our groups involved, getting people, like my group has a 2,700 person email list. We want to hit that and see how many of these people we can get involved in this one project. The idea being at some point to go in on September 14 and November 2 and have these people involved and doing poll watching and checking. There are some consultants that have offered to step up, “We’re Watching” is stepping up; attorneys from the Republican Party.

Later in his presentation, Dake adds:

Okay, poll watchers what you can do is you can call in a lawyer. The Republican Party, this is one of the things they’re offering, they’re saying they’ll have their lawyers standing by so that if you call, let’s say you’re poll watching in say Hales Corners and you see something really fraudulent, they will send a lawyer out right away and be able to say, “Here’s the deal, here’s the law, this is what we expect.” Bring the police in and make your complaint that sort of thing. So, we’ve got that. You can challenge voters through the precinct captains. This is one of the things they will teach you how to do and anybody can challenge a voter. And since the voter law did not get passed this year that could hit you with \$100,000 and three years for unsuccessfully challenging a voter, we can still do this.

Dake is interrupted at this point by an unidentified coalition member who shouts, “Hallelujah.” Dake adds, “Yes, everybody gets to take credit for that.” He goes on to outline Americans for Prosperity-Wisconsin’s role and how to target law enforcement:

So we’re talking about AFP is willing to fund doing a mass mailing to registered voters on this, about getting them involved with this, making sure that their information is current, because people periodically need to go back and check. I found, before we bought the house we lived

in. Four years ago I lived in a brand new condo, the first people to live in it. I went to vote and found twelve people registered at my address. My wife and I are the only people to have lived there. Yet, there were twelve people registered to vote. I couldn't believe it. They said, "Wow, you must have a big family." And I'm looking at names and going, "No, there's nobody named 'Nguyen' and 'Din' and that sort of thing in my family." So that's the kind of thing we need to clean up and people need to be aware of. Go in and check who else is registered at your place and ask to have them tossed off. Work with the media on this and district attorneys. Try to get them involved early and fired up about this and say look, "We know you're shorthanded, we're hands, we're boots on the ground. We will help you, just bring the weight of the law behind us." One of the things we're going to do is take these addresses that people give and we want to send out a postcard that says, "You need to call and confirm this. And if you haven't called, well then it could get tossed out." We're also looking for when you send these cards out is they'll come back if it is an undeliverable address.

THE QUOTES: Among some of the discussion also captured on the audio:

"[Y]ou run into the racial thing. You have people screaming, 'Oh, you're denying the minorities the right to vote.' No., we're denying their right to vote multiple times." [Tim Dake, GrandSons of Liberty]

"Work with the media on this and the district attorneys. Try to get them involved early and fired up about this and say look, 'We know you're shorthanded, we're hands, we're boots on the ground. We will help you, just bring the weight of the law behind us.'" [Tim Dake, GrandSons of Liberty]

"I was a poll watcher from 2000 to 2006 and if you've got a university in your county, or your city, students will come down in droves and then they will all vouch for each other. I had this one kid come in five times with five separate groups of people and this person brings in students, they're usually from Minnesota or wherever up by Eau Claire, and you go, 'Do you live here?' 'Yes.' 'Well do you have anything that shows your address?' 'No.' Then that one student says, 'I vouch for her, I vouch for him.' And they all vote. [Shane McVey, Eau Claire Tea Party]

"This is apparently a very effective deterrent, just having people standing there. Poll watching tends to discourage people when they know someone is looking." [Tim Dake, GrandSons of Liberty]

"It's just having people who have the courage and conviction because in our society we have been 'wussified'.... [T]hey try to claim intimidation and they'll bring a whole bunch of people. If you do challenge a vote like three people will surround you and they'll all start getting in your face and threatening you with legal action and all that stuff. You just have to be strong willed and be able to take that stuff." [Shane McVey, Eau Claire Tea Party]

THE REQUEST FOR INVESTIGATION

The possible illegality of the RPW-AFP-WI-Tea Party plot that One Wisconsin Now lays out in the requests for investigation to law enforcement officials assert:

- Federal law prohibits racially targeted caging operations. Statements made during the June 12 meeting make clear that race is a motivating factor in the planned caging and challenge effort.¹ Any efforts to deter qualified electors from voting based on their race must be immediately investigated and, if substantiated, stopped. [42 U.S.C. §§ 1973(a); 1973gg]
- The organizations' Election Day plans could put the state at possible risk of violating federal law. Federal law makes clear that elector challenges cannot be based solely on returned mail. The organizations' plans to recruit individuals to become poll workers in order to conduct challenges based on the returned mail would result in individuals acting unlawfully under color of state law. [42 U.S.C. § 1973gg; *Tiryak v. Jordan*, 472 F. Supp. 822, 824 (E.D. PA 1979)]
- Federal law also makes clear that private actors are similarly prohibited from challenging voters based solely on undelivered mail. Even if a challenge comes from a volunteer election observer, the challenge is unlawful if it is based on the voter's failure to respond to the mailing. Any challenge to an elector's eligibility based on such unreliable grounds is an abuse of the right to challenge and violates state and federal law, subjecting the challenger to removal and other sanctions. [42 U.S.C. § 1973gg]
- Disturbingly, the mail program described by the Tea Party members will contain false and misleading information. The Tea Party plans to tell certain voters that their name may be removed if they fail to call the telephone number provided. It would be illegal to remove a voter from the statewide database based on this reason. [42 U.S.C. § 1973gg]
- The deceptive nature of the planned mailing is particularly troubling because the mailing described would almost certainly would appear to be an official governmental mailing. For the same reasons that it is unlawful to use official attire to challenge a voter at the polls on Election Day, it is unlawful to send a mailing that appears to be an official action of the governmental. [18 U.S.C. § 242; 42 U.S.C. § 1973i(b)]

“Based on our discussions with legal counsel, we believe certain statements made at this Tea Party meeting clearly outline a plan by these organizations to engage in what may potentially be illegal conduct,” said Ross. “The voter caging and challenge plans outlined by the Tea Party could result in an apparently illegal effort to deter qualified citizens from voting. As described, their plan would deter qualified citizens from voting in a manner that is coercive and without sufficient basis. All of these activities raise serious concerns and should be investigated further to determine whether illegal activity has occurred.”

The full recordings, as well as a transcript and other information, is available at One Wisconsin Now's voter protection website: <http://www.SaveWisconsinsVote2010.org>.

#

¹ These organizations also appear to plan to use the voter caging and challenge effort to target college and university students.