

Not a Race Card

A number of states have recently passed voter-ID legislation – among them, Texas, Alabama, Kansas, South Carolina, Tennessee, Wisconsin, and Rhode Island. Two others, Georgia and Indiana, implemented such laws years ago. This trend has the Left hyperventilating. From former president Bill Clinton to NAACP head Benjamin Jealous, irresponsible cries of “Jim Crow” have been uttered in a losing attempt to sell Americans a great lie: that requiring someone to authenticate his or her identity at the polling place by showing a government-issued photo identification is anything like the despicable discrimination that once existed in the South.

Jealous blamed “the worst and most racist elements” in conservative tea-party groups for the voter-ID push. In truth, the vast majority of Americans of all racial and ethnic backgrounds (more than 75 percent in the latest Rasmussen poll) support voter-ID laws. Perhaps that’s because Americans have to use a photo ID to obtain a library card, drink a beer, cash a check, board an airplane, buy a train ticket, or check in to a hotel. They understand that requiring voter ID is a commonsense reform that helps protect the security and integrity of our election process. Happily, it’s a requirement voters can easily meet.

Once you get past the race-baiting, you will find that opponents of voter ID generally rely on two arguments, equally specious: 1) There is no need for photo ID, because there is no voter fraud in the United States; 2) This is a deliberate effort to suppress the turnout of minority voters, who often don’t have photo ID. Liberals keep repeating these false claims despite the fact that they have been disproved both in the courtroom and at the polling place.

The claim that there is no voter fraud in the U.S. is patently ridiculous, given our rich and unfortunate history of it. As the U.S. Supreme Court said when it upheld Indiana’s photo-ID law in 2008, “Flagrant examples of such fraud . . . have been

documented throughout this Nation's history by respected historians and journalists." The liberal groups that fought Indiana's law didn't have much luck with liberal justice John Paul Stevens, who wrote the 6-3 decision. Before being named to the Supreme Court, Justice Stevens practiced law in Chicago, a hotbed of electoral malfeasance.

Some opponents have tried to narrow down the argument, claiming that voter ID can stop only impersonation fraud, and that this particular type of fraud is rare or nonexistent. But as the Seventh Circuit Court of Appeals pointed out in the Indiana case, the relative rarity of prosecutions for impersonation fraud can be "explained by the endemic underenforcement" of voter-fraud cases and "the extreme difficulty of apprehending a voter impersonator" without the tools – a photo ID – needed to detect such fraud.

One of the most egregious examples was revealed by a Brooklyn grand jury in 1984, a case the *New York Times* conveniently ignores whenever it rails against voter ID. The grand jury detailed a widespread conspiracy that operated without detection for 14 years, involving not only impersonation of voters at the polls, but also voting under fictitious names that had been successfully registered. Thousands of fraudulent votes were cast in state and congressional elections.

When I mention that case in debates, the inevitable reply is that it happened a long time ago, as though the 1980s were the Dark Ages. Another well-documented case occurred in a city-council election in Hoboken, N.J., in 2007. The former zoning-board president noticed a group of men near his polling place being given index cards by two people. One of those men later entered the polling place and tried to vote in the name of another registered voter who no longer lived in the ward. The impostor was caught only because he happened to be challenged by the zoning-board president. He admitted to the police that the group of men from a homeless shelter had been paid \$10 each to vote using others' names.

One of the reasons that Wisconsin changed its voter-ID law was the finding of a special task force, set up by the Milwaukee

Police Department after the 2004 election, that residents from other states had registered and voted. Numerous staffers from out of state working for the John Kerry campaign and the Environmental Victory Campaign, a liberal political-action committee, had illegally registered and voted in Milwaukee.

If liberals couldn't convince Justice Stevens, they may also have a hard time with Chris Matthews, a former Tip O'Neill staffer and reliable liberal cheerleader in most circumstances. When the topic came up on Hardball, Matthews admitted that this type of impersonation fraud has "gone on since the Fifties." He explained that people call up to see whether you voted or are going to vote, and "then all of a sudden somebody does come and vote for you." Matthews knows that this is an old strategy in big-city politics: "I know all about it in North Philly – it's what went on, and I believe it still goes on."

In addition to deterring and preventing impersonation fraud, voter ID can prevent voting under fictitious registrations, double voting by individuals registered in more than one state, and voting by illegal aliens. There are numerous cases of these types of fraud. Dozens of ACORN employees have been prosecuted for voter-registration fraud – and those are only the ones who have been caught. If a fraudulent form gets through the minimal-to-nonexistent screening efforts made by election officials when they process new voter-registration forms, then the potential exists for bogus votes to be cast in the names of nonexistent people.

The possibility of double voting was illustrated by an incident that was highly embarrassing to the League of Women Voters in the Indiana voter-ID case. A newspaper in Indiana decided to interview a voter who was highlighted by the League as a victim of disenfranchisement in its amicus brief contesting the law. It turned out she had had difficulty voting because she had tried to use a Florida driver's license to vote in Indiana. Not only did she have a Florida driver's license, she was also registered to vote in Florida, where she owned a second home. In fact, she had claimed residency in Florida by filing for a homestead exemption on her property

taxes.

More than one study has found individuals who are registered in more than one state. A *New York Daily News* article in 2004 found 46,000 New Yorkers registered to vote in both New York and Florida. Between 400 and 1,000 had voted in both places in at least one election. (Remember, George W. Bush won Florida in 2000 by a margin of only 537 votes.)

There have also been many reported cases of non-citizens' registering and voting. A federal grand-jury report released in 1984 found large numbers of aliens registered to vote in Chicago. The U.S. attorney estimated that at least 80,000 illegal aliens were registered, and dozens were indicted and convicted for registering and voting.

Readers may remember that a California congressional election was almost overturned in 1996 because of illegal voting by non-citizens. Loretta Sanchez beat incumbent U.S. Rep. Bob Dornan by a mere 979 votes. The election was investigated by a House committee that found "clear and convincing" evidence of 624 invalid votes by non-citizens and "circumstantial" evidence of another 196 non-citizens' voting. This election might have been stolen by illegal voting (and it probably was, since the House investigation compared the voter list only to INS records, which do not contain information on illegal aliens who have not been detained).

There may not be massive voter fraud in all of our elections, but there are enough reported cases and prosecutions to make it obvious that we need to take basic steps to ensure the security of our voting system.

The baseless claim that voter ID is a Republican plot to depress the votes of minorities, who disproportionately support Democrats, certainly isn't made by those Democrats who overwhelmingly control the Rhode Island legislature that passed voter ID. State representative Jon Brien, a Democratic sponsor of the bill, said it was wrong for party leaders to "make this a Republican-versus-Democrat issue. It's not. It's simply a good-government issue." Brien added that "we as

representatives have a duty to the citizenry to ensure the integrity of our elections, and the requirement to show an ID will ensure that integrity." State senator Harold Metts, a black Democrat whose support of Rhode Island's voter-ID bill angered the ACLU and other leftist organizations, said he was "more interested in doing the right thing and stopping voter fraud." And polling shows that the so-called leaders of the civil-rights establishment who oppose voter ID are actually out of touch with their constituents, who recognize that voter fraud often hits hardest in minority communities.

Election data in Georgia demonstrate that concern about a negative effect on the Democratic or minority vote is baseless. Turnout there increased more dramatically in 2008 – the first presidential election held after the state's photo-ID law went into effect – than it did in states without photo ID. Georgia had a record turnout in 2008, the largest in its history – nearly 4 million voters. And Democratic turnout was up an astonishing 6.1 percentage points from the 2004 election, the fourth-largest increase of any state. The black share of the statewide vote increased from 25 percent in 2004 to 30 percent in 2008, according to the Joint Center for Political and Economic Studies. According to Census Bureau surveys, 65 percent of the black voting-age population voted in the 2008 election, compared with only 54.4 percent in 2004, an increase of more than ten percentage points.

For those who might reply that this was because Barack Obama was on the ballot, think again. Mississippi, with an equally large black population and no voter ID, had its Democratic turnout increase by only 2.35 percentage points. Georgia's registration records show that while only 42.9 percent of registered black Georgians voted in 2006, when there was no photo-ID requirement, 50.4 percent voted in the 2010 congressional elections – an increase of more than seven percentage points. Georgia's secretary of state recently pointed out that, compared with 2006, voter turnout in 2010 "among African Americans outpaced the growth of that population's pool of registered voters by more than 20 percentage points."

Indiana witnessed similar results. In the state considered to have the nation's strictest voter-ID law, turnout in the Democratic presidential primary in 2008 quadrupled from the 2004 election, when there was no photo-ID law. In the general election, the turnout of Democratic voters increased by 8.32 percentage points from 2004, the largest increase in Democratic turnout of any state. Neighboring Illinois, which has no photo-ID requirement and is Obama's home state, had its Democratic turnout increase by only 4.4 percentage points – barely half of Indiana's increase. In the 2010 election, Indiana was one of the states with a substantial increase in black turnout: "The black share of the state vote was higher in 2010 than it was in 2008, a banner year for black turnout," according to the Joint Center for Political and Economic Studies. The black share of the total vote went from only 7 percent in 2008 to 12 percent in 2010.

Numerous studies – including those by the Heritage Foundation, the University of Missouri, the University of Delaware, and the University of Nebraska–Lincoln – have looked at data from many states and several elections and concluded that voter ID does not depress turnout. In fact, the Delaware/Nebraska study said that "concerns about voter-identification laws affecting turnout are much ado about nothing."

About the only thing the Left has had to rely on for its hollow claims about photo ID is a flawed 2006 study – titled "Citizens without Proof" – by the Brennan Center at NYU's law school supposedly showing that millions of Americans who are eligible to vote lack photo ID. The Brennan Center has been vigorous in opposing almost every sensible voter reform, from voter ID to requiring proof of citizenship when registering to vote. This 2006 study is dubious in its methodology and especially suspect in its sweeping conclusions. It is based on a survey of only 987 "voting-age American citizens," although it contains no information on how it was determined whether a respondent was actually an American citizen entitled to vote, and might easily have included illegal and legal aliens, felons, and others who are ineligible. The survey then uses the responses of these 987 individuals to estimate, based on the 2000 Census, the number of Americans without valid

documentation. Although the report says it was weighted to account for underrepresentation of race, it does not provide the methodology used.

By neglecting to ask whether respondents were actual or likely voters, registered voters, or even eligible voters, the study ignored the most relevant data: the number of eligible citizens who would have actually voted but could not because of voter-ID laws. All pollsters know that the only really accurate polls are of likely voters, not of the voting-age population. Surveys of registered voters have shown the exact opposite of the Brennan Center study: American University found that less than one-half of 1 percent of registered voters in Maryland, Indiana, and Mississippi lacked a government-issued ID. A 2006 survey of more than 36,000 voters found that only 23 people in the entire sample would be unable to vote because of an ID requirement.

Also, the Brennan Center survey didn't ask whether people had IDs; it asked whether IDs were "readily available." And the question about citizenship documentation asked whether respondents had access "in a place where you can quickly find it if you had to show it tomorrow," even though elections are not scheduled on such a short-term basis. This was obviously intended to skew the results. The survey also failed to ask whether respondents had student IDs, which are acceptable under many state laws, or tribal IDs, which are acceptable in some states, including Georgia and Arizona. On one question, 14 percent of respondents were so confused that they said they had both a U.S. birth certificate and naturalization papers.

The weakness of the case against voter ID has been much in evidence in courtrooms. The Indiana and Georgia voter-ID laws were upheld by state and federal courts. In the Georgia case, the federal court pointed out that after two years of litigation, none of the plaintiffs, including the NAACP, could produce a single otherwise eligible voter who did not have a photo ID or could not easily obtain one. That failure was "particularly acute," the court wrote, "in light of the Plaintiffs' contention that a large number of Georgia voters lack acceptable photo ID." Similarly, in the Indiana case, the

federal court noted that “despite apocalyptic assertions of wholesale voter disenfranchisement, Plaintiffs have produced not a single piece of evidence of any identifiable registered voter who would be prevented from voting.”

The Georgia court said that the claim that voter ID is the same as a poll tax “represents a dramatic overstatement.” Imposing tangential burdens “does not transform a regulation into a poll tax” and “the cost of time and transportation” to obtain a free ID “cannot plausibly qualify as a prohibited poll tax because those same ‘costs’ also result from voter registration and in-person voting requirements, which one would not reasonably construe as a poll tax.” All of the states implementing voter ID have provided free IDs for anyone who does not already have one. As Rhode Island state senator Harold Metts said, “In this day and age, very few adults lack one of the forms of identification that will be accepted, and the rare person who does can get a free voter-ID card.”

With the courts against them, the public against them, and the turnout in actual elections against them, what do liberals have left? Only racial polemics and fear-mongering. Vitriolic rhetoric is a sign of desperation, since claims of “suppression” and “intimidation” have been shown to be completely untrue. Is the problem here that certain liberals want to be able to preserve what Chris Matthews says still goes on in the Democratic machines in places like Philadelphia? We can be grateful that even some Democrats at the local level are finally realizing that everyone who believes in our democratic system has an interest in ensuring the security and integrity of our election process. That’s why it was Democrats who passed the Rhode Island law, and Democrats in Kansas who signed on with their Republican colleagues to pass their voter-ID law.

As Texas state representative Joe Pickett, a Democrat from El Paso, said, “If I really, truly thought that this would disenfranchise somebody, I would’ve voted against. In these days and times, it’s just not the case. . . . Having a basic identification is a function of everyday life.”

Nobody likes standing in line at the DMV, but elections come only every other year, and are scheduled well in advance. There is no reason for a voter to lack a photo ID, and every reason to require one.

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