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Greg Abbott

Willie Ray was a 69-year-old African-American city council member from Texarkana who wanted her granddaughter, Jamillah Johnson, to learn about civil rights and voting during the 2004 presidential election. The pair helped homebound senior citizens get absentee ballots and, once they were filled out, put them in the mail.

Fort Worth's Gloria Meeks, 69, was a church-going community activist who proudly ran a phone bank and helped homebound elderly people like Parthenia McDonald, 79, vote by mail. McDonald, whose mailbox was two blocks away from her home (she recently died), called Meeks "an angel" for helping her. A friend of both women said.

And until he recently moved out of state, Walter Hinojosa, a retired school teacher and labor organizer from Austin, was another Democratic Party volunteer who helped elderly and disabled people vote by getting them absentee ballots and mailing them.

Today, Ray and Johnson have criminal records for breaking Texas election law. Their travel was restricted during a six-month probation. Meeks is in a nursing home after having a stroke, prompted in part, her friends say, by state police who investigated her-including spying on Meeks while she bathed-and then questioned her about helping McDonald and others vote. Hinojosa has left Texas.

Their crime: not including their names, addresses, and signatures on the back of ballots they mailed for their senior neighbors, and carrying envelopes containing those ballots to the mailbox. Since 2005, Texas Attorney General Greg Abbott, (<http://www.oag.state.tx.us/>) a Republican, has been prosecuting Democratic Party activists, almost all African-Americans and Latinos, as part of an effort to eradicate what he said was an "epidemic" of voter fraud in Texas.

The attorney general's voter fraud efforts were part of a "Special Investigations Unit" that he launched in early 2006 with a \$1.5 million grant from the governor, using federal money awarded from a fund that has spawned controversies, most notably the Tulia drug task force scandal.

“These guilty pleas demonstrate precisely why it is so important to uphold the integrity of our election process in the state,” Abbott said, speaking of Ray’s and Johnson’s convictions in a press release. “We will visit justice upon any who ignore the fact that we have election laws in Texas and they apply to everyone.” Texas Democrats such as Lisa Turner, of the Lone Star Project, (<http://www.lonestarproject.net/>) said Abbott’s goal was not merely to prosecute little old ladies. Rather, Turner said, it was to send a message to Texas’ minority communities, which lean Democratic, by sowing fear among the elderly about voting by mail. The Lone Star Project is a political action committee that first exposed Abbott’s prosecutions, issued reports on it, and maintains a staff to fight voter suppression in the state.

“It’s the equivalent of when a gang moves into a neighborhood and spray-paints their graffiti or their marker; it’s not to deface one building. It is to send a message,” Turner said. “You have agents of the attorney general walking through a neighborhood, walking past three crack houses, to go talk to a voter. Think about that. What does that say their priorities are? It’s about holding on to the levers of power.”

Abbott and the election laws he has used to bring the prosecutions have been challenged in federal court under a suit whose trial will begin May 29th in Marshall. In September 2006, Gerry Hebert, a former chief of the U.S. Department of Justice’s Voting Section-which oversees the nation’s voting rights laws-and now executive director of the Washington-based Campaign Legal Center, (<http://www.campaignlegalcenter.org/>) filed a suit challenging the Texas attorney general, secretary of state, and a 2003 Texas law that criminalized practices often used to help the elderly vote by mail.

Despite repeated requests, Abbott's office would not comment. But Texas Solicitor General Ted Cruz, ([http://www.trolp.org/main\\_pgs/bd\\_advisors/rtcruz.htm](http://www.trolp.org/main_pgs/bd_advisors/rtcruz.htm)) who works for Abbott, issued a statement in September 2006 saying the suit "has no basis in law" and "the plaintiffs are [a] combination of political operatives and individual criminals who have already pleaded guilty to voter fraud."

Meanwhile, Abbott has continued to prosecute middle-aged and elderly political volunteers under a law his office says prevents people from impersonating voters and taking advantage of seniors by falsifying ballots. The accused are almost all African-American and Latino, and likely Democrats. In February 2008, Abbott indicted four Duval County residents-Lydia Molina, 70; Maria Soriano, 71; Elva Lazo, 62; and Maria Trigo, 55-for allegedly delivering "mail-in ballot applications to numerous residents in Duval County, many of whom were ineligible to vote by mail," an Abbott press release said. Under Texas law, only the disabled, people 65 or older, or people expecting to be out of state on Election Day can vote absentee. The accused checked a box in the 2006 election saying voters were disabled "when they were not," he said.

"The voter registrar's office then mailed the actual ballots to the residents," the release said. "Once the ballots were completed by the residents, the defendants allegedly retrieved these and mailed them to the registrar to be counted without identifying themselves on the carrier envelope." They face six months and a \$2,000 fine.

Despite Abbott's declarations that nobody is above Texas law, he has prosecuted no Republicans."What is especially troubling is that while Greg Abbott's office has prosecuted minority seniors for simply mailing ballots, he has not prosecuted anyone on the other side of the aisle for what appear to be

open-and-shut cases of real voter fraud,” Hebert told Texas House Elections Committee in January, as the panel held a hearing on a bill making the state’s voter ID laws tougher.

Hebert cited a 2005 election in Highland Park, one of the wealthiest neighborhoods in the country with hundreds of million-dollar homes and where both George W. Bush and Dick Cheney once lived. In 2005, two election judges, both Republicans, and a 10-year-old boy handed out over 100 ballots, Hebert testified, without checking any voter registration or ID cards. The ballots were filled out and turned in, he said, quoting from several Dallas district attorney memos. The memos suggested a strong basis for prosecuting the judges for not following procedures and counting “over 100 more ballots” than there were “signatures on the roster.”

In other words, here was a serious case of apparent ballot-box stuffing-voter fraud-by Republicans, albeit in a state where the GOP holds all the constitutional offices, most judgeships, and controls most county election boards. “Here we are nearly three years later, and Attorney General Abbott’s office has done virtually nothing,” Hebert told Texas legislators. “Rather than exercise his discretion to act directly on the [district attorney’s] request and immediately investigate the voting irregularities and potential voter fraud in Highland Park, Mr. Abbott’s office has instead used his office’s resources to prosecute elderly political activists whose only ‘crime’ was assisting elderly and disabled voters cast a vote by mail.”


The bigger picture, said the Lone Star Project’s Turner, was that the Texas Republican Party, assisted by the state’s Republican attorney general, was using the power of the state and public funds to create a climate for partisan gain.”I don’t believe that the attorney general or the governor or the Republicans are

really interested in putting old women in jail,” she said. “They see what we all see and what everybody has written about, which is Texas is trending majority-minority. And the Republicans haven’t figured out how to talk to minorities. So instead of figuring out how to talk to them on an issue basis, they have embarked on a plan to shave two or three percentage points off the election and that’s how they stay in power.”

On the outskirts of Ft. Worth, the Democratic Party has a campaign office for its various local and statewide campaigns. In early March, Jane Hamilton, a young woman who has been working on campaigns in the Dallas-Ft. Worth area since 2000, and Dorothy Dean, 74, who has worked on campaigns for four decades, described the real-life impact of Abbott’s efforts to prosecute people for helping the elderly and disabled vote. Hamilton described how the 2003 law passed by the Texas Legislature changed the way Democrats interacted with older people who wanted help with their absentee ballots.

“We would get phone calls from older ladies who wanted to vote,” Hamilton said. “And they would ask, a lot of times, for people that they trusted, their neighbors, to come over to help. I would then say, ‘Well, I don’t know her, but how about us helping you over the phone?’ And they would say, ‘Well, I can’t see. And I can’t hear good. I need somebody to come over here and help me.’”

Before the attorney general’s prosecutions, Hamilton said, she would find well-known people in the caller’s community to visit elderly people’s homes to help them vote—volunteers like Ray, Meeks, or Hinojosa. After Abbott started prosecuting Democratic volunteers for helping seniors, Hamilton said she could only help elderly voters over the phone, which many callers did not understand.



“It was very difficult for me,” Hamilton said. “It was very hard to explain why a Mrs. Johnson couldn’t help a Mrs. Brown, or if she did, then she couldn’t help a Mrs. Sue. ... I think that really started as fear. They [the callers] were afraid because they also started hearing about the attorney general’s office prosecuting. You had all of these things going on, however no one really understood why. The AG’s office never did a good job on the community level saying what this means, what this means for you.”

Abbott may not have been telling the public what was required under the 2003 law, but he did tell the police. In early 2006, he announced “a statewide initiative to work with local law enforcement and prosecutors to combat and prevent the persistent problem of voter fraud.” The project’s initial phase would target “44 key counties that either have a history of voter fraud or the population of which exceeds 100,000,” the release said. “Voter fraud has been epidemic in Texas for years, but it hasn’t been treated like one. It’s time for that to change,” Abbott said. Continuing, he announced the formation of a new “Special Investigations Unit [that] will help police departments, sheriff’s offices, and district and county attorneys successfully identify, investigate, and prosecute various types of voter fraud offenses.” The release said Gov. Rick Perry, a fellow Republican, was supporting the effort with a \$1.5 million grant.

The funding was provided under an Edward Byrne Memorial Justice Grant, (<https://www.ojp.usdoj.gov/BJA/grant/byrne.html>) which is a federal program providing criminal justice money to states. It was a Byrne grant in 1999 that funded Tom Coleman, the itinerant police investigator who falsely accused many African-American residents of Tulia of dealing cocaine. During subsequent legal battles that lasted four years, Coleman was exposed as a liar and Gov. Perry pardoned almost all of his victims. In 2004, Congress said the Byrne grants could be used for broader categories of law enforcement, giving states new leeway in deciding how the funds could be spent. Like the drug task forces that falsely accused minorities to run up arrest numbers and thus justify funding, Abbott's use of the money to pursue voter fraud among the state's minority communities seems to carry ulterior motives beyond ferreting out alleged individual crimes.

According to the Campaign Legal Center's lawsuit, in which Ray, Johnson, Meeks, McDonald, Hinojosa, and the Texas Democratic Party are plaintiffs, a PowerPoint presentation used by Abbott's office to train Texas officials was rife with racial stereotypes associating voter fraud with people of color-communities that in recent history have supported Democrats.

"As an introduction to a section of the PowerPoint involving 'Poll Place Violations,' a slide depicts a photograph of African-American voters apparently standing in line to vote," the lawsuit's complaint said. "Notably, the 71-slide presentation contains no similar photographs of white or Anglo voters casting ballots.

"Another slide in the same PowerPoint presentation, in a section involving tactics for investigating purported voter fraud, is entitled 'Examine Documents for Fraud.' That slide states that investigators should look for 'Unique Stamps'

and shows a prominent picture of a postage stamp known as the 'sickle cell stamp,' which depicts an African-American woman and infant," the complaint said. "The PowerPoint presentation thus communicates the message that minority voters should be the focus of election fraud investigations and prosecutions, particularly under the new 2003 criminal prohibitions."

The lawsuit describes various investigative tactics used by Abbott's special unit, including an incident in which two state police officers were seen by Meeks "peeping at her through her bathroom window" while she was taking a bath on August 10, 2006. "She later learned that these two persons were investigators with the office of the defendant Attorney General Abbott," the suit said.

Meanwhile, the secretary of state "fails to make clear that those who assist voters may be subject to criminal prosecution," the complaint said, underscoring the point that Abbott and Texas Secretary of State Roger Williams, (<http://www.sos.state.tx.us/about/newsreleases/2007/061107.shtml>) also a Republican, were "engaging in a deliberate campaign to suppress the minority vote and discriminate against minority voters."

"That is the whole scheme of the plan," said Dorothy Dean, the longtime Dallas-Ft. Worth campaign worker. "Get it so complicated that the Democrats will stay at home, so they will be confused ... A lot of these older people will be like, 'Oh, I guess I can't vote this year because I don't have my neighbor that can help me. She hasn't been here for two years.' That is really what is happening."

Dean said she has not been investigated by Abbott, but knows of others who have.

“There is one lady who used to be a precinct chair,” she said. “I refuse to give her name because she almost had a nervous breakdown. She couldn’t believe that all of her hard work as a precinct chair, and devoted to the party, that something like this would happen to her. She still to this day cannot get over it. She wants to be her precinct’s chair again. But because of the law, she can’t get it back.”

Dean said the impact of the attorney general’s campaign is much larger than the dozen people charged with voter fraud and the dozens more that have been investigated.

“You have to understand that this would be 20 to 30 percent of the voting ballots from the Democratic Party, because senior citizens cherish the right to vote,” she said. “They remember the poll tax, having to pay it. And they want to vote.”

Hamilton said the 2003 law and Abbott’s prosecutions have prompted the Democratic Party in Dallas County to suspend a field program that once sent volunteers to voters’ homes to help them fill out ballot applications so they could vote by mail.

“It is absolutely fair to say there is no field program for mail ballots,” she said. “What happens now is, everything is by phone. They call up and request one. And then you call them back and say, ‘Did you get it?’ And they say, ‘Well, I know I got something, but I wasn’t sure what it was, so I threw it in the trash. Can you send me another one?’ And then you send them another one, and then you call them back, and they say, ‘Well, I got that one but I can’t see it. What is the line I sign on?’”

“So, do you see what I am saying? You are on the phone with a process with no field component to it,” Dean said. “Not anymore.”

While the center’s lawsuit goes to court later this spring, some of Abbott’s recent prosecutions have been thrown out of court. In early March, criminal charges against two *politiqueras* accused of unlawfully assisting elderly voters were dismissed by Hidalgo County Court Judge Jaime Palacios, according to *The Monitor*, McAllen’s newspaper.

“In 2006, Attorney General Greg Abbott held up the Hidalgo County voter fraud case as an example of a successful voter fraud investigation that produced results,” the paper’s Web site

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*“One theory of government is that it only reacts to a crisis; trouble comes when we cannot even agree on what a crisis is,” Ivins wrote in a 1995 column about Congress’ lukewarm response to the threat of global warming.*

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The image shows a stack of two magazines. The top magazine is 'OXFORD AMERICAN' with a cover featuring a person in a white garment. The bottom magazine is 'OBSERVER' with a cover featuring a field of crops and a yellow flower. The text 'A CRUEL HARVEST' is visible on the 'OBSERVER' cover.

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