

VOTE-CAGING BY DIVISION OF LABOR

I've been wading through the Republican response to the DNC/Obama lawsuit seeking to prevent the use of foreclosure lists on election day to challenge voters rights to vote. In their motions to dismiss the suit, they use the party structure—and division of labor—to deny wrongdoing. Their picture of a party that barely works with other levels of the party leaves one big unspoken presence, of course: the McCain campaign, which until Saturday had been shacking up with a foreclosure law firm.

As I said, the national, state, and county GOPs are basing much of their motions to dismiss on the division of labor within the Republican party. Here is the MI GOP version—though all three motions to dismiss have something similar.

Plaintiffs indiscriminately and persistently lump the national, state and county party committees into a single entity described as "Defendant Republicans." Throughout the lengthy complaint, plaintiffs try to parlay a disputed quote from a county chairperson into an orchestrated national and statewide campaign to obstruct the upcoming election.

After making that kind of organization argument, the RNC notes that it doesn't have challengers—and the Democratic suit has not made the case that the MI or Macomb GOP provides challengers to the RNC—so it cannot be included in the suit.

The RNC does not have challengers of any kind and Plaintiffs have failed to allege any details that would constitute an agreement between the RNC and any party regarding poll challengers

So, the RNC argues, since there's no evidence of what relationship exists between the RNC and the local GOP regarding staffing of polling sites with challengers (note—the RNC doesn't **deny** there is such a relationship, only that the Democratic suit doesn't allege it), it can't be held responsible if challengers use foreclosure lists on election day.

The MI GOP adopts the RNC's reasons for dismissal, but makes an additional argument, relying on an affidavit from Saul Anuzis, head of the MI GOP. Anuzis states that the MI GOP "nor anyone acting with its knowledge or approval has obtained lists of persons or addresses subject to foreclosure notices of proceedings" and that it "has never considered making challenges to voters based on any foreclosure notices or proceedings, will not make any such challenges, and will not endorse, approve, or participate in any such challenges by other persons or organizations."

The MI GOP does, however, include what I consider an amazingly parsed statement—published in reporting on this story—from spokesperson Bill Nowling.

The Michigan Republican Party also won't allow its challengers to use foreclosure lists, spokesman Bill Nowling said.

"What does a name on a foreclosure list tell us? Nothing," Nowling said. **"We go into the polling place with the qualified voter file and that is all."**

A person's name and address on a foreclosure list doesn't mean he or she has left the home, Nowling said. [my emphasis]

Note, Nowling denies that challengers will walk into a polling place with a foreclosure list. He does not deny that the GOP might have used foreclosure lists as one thing to use to select which people on the QVF they're going to challenge when they get in the room. This

parsing is important given how James Carabelli addresses all this (the guy that started this all).

The Macomb County GOP, for their part, can't disavow any relationship with Carabelli, the guy whom the Michigan Messenger quoted saying foreclosure lists might be used. The Macomb motion argues the basis of the suit at length (I'll leave that part of the lawyers to assess). And then, it notes that the content of the conversation between the MM reporter and Carabelli is "hotly disputed," but that Carabelli "adamantly denies" making the statement. To support that argument, it includes an affidavit from Carabelli.

Here's where things get interesting. Carabelli asserts,

Later in that same conversation [after talking about foreclosures being a political issue] Ms. Melzer asked me about polling place challenges that are available under Michigan law. I stated that poll challenging is done to ensure State electoral procedures are followed and that I was not in a position to address specific challenges that might be raised.

The reason why I could not address specific types of challenges is because at the county level we do not engage in any poll challenging. All of the poll challenge coordination is done at the state level, so I do not know what the procedures are for this next election.

[snip]

Until I read [the MM] article, I had never even heard of the possibility of a challenge being made based on notices of foreclosures, or anything similar.

I do not have, nor have I ever sought to acquire, a list of homes identifying which homeowners have received a notice

of foreclosure. I am unaware of any effort on the part of any Republican Party Committee at any level to do so.

I have never had any person affiliated with the Republican Party, or others, suggest that notices of foreclosures would or should be used by challengers at the November or any other election.

So, to summarize, here's what each level of the party is saying:

- RNC says it doesn't do the challenging, and the suit doesn't allege that the RNC works with the MI or Macomb GOP to use challengers.
- MI GOP says they have not and will not have anything to do with challenges based on foreclosure notices—though it leaves some breathing room for using foreclosure notices to use in the larger process of deciding whom to challenge.
- Macomb says that the Michigan Messenger quote was false—and that the guy who allegedly said it isn't in charge of vote challengers, but that he hasn't heard of anything like that anyway.

Presumably, with a Marion County (Indianapolis) GOP Chair talking about using foreclosure lists in vote-caging, Carabelli's claims he hasn't heard of such a thing are no longer operative.

I'm most interested, though, in the wiggle room, here. The RNC says they're not in charge of

challengers—but they won't say anything about what they've asked challengers provided by the local parties to do. The MI GOP asserts they have had nothing to do with this—and won't be bringing foreclosure notices themselves into the polls. But then Carabelli lays all responsibility at the state level, as if County parties weren't the source of the volunteers that go into state challenger programs.

More importantly, there's a big elephant in the room no one is talking about—and Carabelli's denials only partly cover that elephant (but pointedly don't in some ways): the McCain campaign, which is not a party at all, but a campaign. And which, up until Saturday, was shacking up in the same building as a big Republican donor's foreclosure legal firm. So when each of these parties insists they didn't get a foreclosure list for vote caging? Well, they were probably floating right through the McCain campaign from their big donor down the hall. And when the MI GOP claims they're in charge of challengers? Sure, to some degree. But to a large degree, those activities will be dictated by the guy at the top of the ticket: John McCain. Or would have been, until Saturday.

You see, with the exception of Carabelli's claim that he had never heard of using foreclosure lists for vote-caging, no one has denied that the McCain campaign—perhaps assisted by the RNC—was planning on using—perhaps already used for pre-selecting caging targets—foreclosure lists for vote-caging.