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Section: FORUM

FORMER AG LAUTENSCHLAGER: VAN HOLLEN WANTS TO SUPPRESS VOTERS

Steve Elbow

The state's former attorney general Friday said her successor J.B. Van Hollen's proposal to send about 50 Department of Justice personnel to monitor polls during Tuesday's election is clearly an attempt to suppress the vote.

In 2004 Peggy Lautenschlager, now an attorney for **Lawton & Cates**, said she also used DOJ personnel to monitor polling places on Election Day, but her efforts were focused on making sure voters got their chance to vote.

"It is clear that under the guise of stopping alleged voter fraud he is concerned about obtaining voter suppression," she said.

Van Hollen said earlier this week that he planned to send out his own team of agents and attorneys, saying voters, "have a right to vote in fair elections untainted by election fraud."

Lautenschlager said her efforts in 2004 were "diametrically opposite to what Van Hollen is proposing to do on Tuesday."

Van Hollen made his announcement days after a lawsuit he filed to force the state Government Accountability Board to order nearly 1 million voter registrations to be checked against Department of Transportation, death and felony records before Election Day was thrown out by a Dane County judge. The lawsuit was supported by the state Republican Party, but Democrats saw it as a means to disenfranchise eligible voters.

Van Hollen, the co-chair of the state Republican presidential campaign, has been invoking voter fraud since voter registration workers for the Association of Community Organizations for Reform Now, known as ACORN, and other Democratic-leaning groups in Milwaukee were found to be putting phony information on voter registration cards. Allegations of fraud were central to his lawsuit and to his plan to dispatch poll monitors.

Prominent Democrats, from Gov. Jim Doyle to Wisconsin U.S. Sen. Russ Feingold, have blasted the poll monitoring plan.

"The announcement and execution of your plans may have the effect of discouraging legitimate voters from attempting to cast their votes, and I urge you to reconsider your decision," wrote Feingold in a letter Friday to Van Hollen. "If, however, you decide to proceed with these plans, I ask that you provide detailed information about how Department of Justice employees will be deployed, including the locations to which they will be deployed, how those locations were chosen, and a detailed description or copies of the instructions these employees will be given."

Van Hollen's office didn't respond to a request Friday for information regarding where his agents would be deployed and what they would be instructed to do.

Lautenschlager said she dispatched her agents after receiving reports of voter suppression efforts, such as leafleting outside polling places saying people with unpaid parking tickets would be arrested if they entered the polling place.

She said the leafleting, and disturbances which threatened to slow down voting lines, happened mostly in Milwaukee. But other voter suppression incidents, such as unfounded challenges to same-day registrations, happened in Racine, Kenosha, Beloit, Janesville and University of Wisconsin campuses.

"We were concerned about affording people to their opportunity to exercise their franchise, not suppressing their actions on Election Day," she said. "We were concerned that we provide voter protection, not voter suppression."

She said the Government Accountability Board -- formed earlier this year to take over the responsibilities of the former Elections Board -- along with local district attorneys, is invested with elections law enforcement.

Not all Democrats, however, are upset with Van Hollen.

"It's a bit odd, because they really don't have any jurisdiction, but I don't foresee any problems," said Matt O'Neill, state counsel for the Obama for America voter protection efforts.

O'Neill said DOJ agents have already agreed to work with Milwaukee County District Attorney John Chisholm.

"We think it's very supportive," he said of Chisholm's efforts, "and it's going to help people exercise their right to vote."

Van Hollen's polling place monitors will be a drop in the bucket in terms of Election Day observers.

O'Neill said the Obama voter protection effort plans to field about 1,200 attorneys around the state. Many of the attorneys will be assigned to each of the heavily Democratic Milwaukee polling places.

"All our folks are doing is making sure that everybody that shows up to a polling place that's eligible to vote gets to vote a regular ballot," he said. "We're also going to have an eye out to see if there's any improper challenges brought forth, if there's any misinformation being spread, or if anybody is unclear about the requirements for voting in Wisconsin."

The nonpartisan national group Election Protection is also working with a number of groups to install polling place monitors across the state.

Barbara Zack Quindel, head of the group's Milwaukee legal team, said about 150 lawyers and law students would be "checking to make sure everybody is getting the right to vote."

If voters experience a problem concerning the elections, they can call the group's help line, 1-866-OURVOTE. If needed an attorney would travel to the polling place, Quindel said.

About 60 attorneys will be stationed in Madison, and others in cities including Racine, Eau Claire, La Crosse and Beloit.

The American Civil Liberties Union of Wisconsin Foundation is working with the group. Stacy Harbaugh, community advocate for the Madison ACLU chapter, said she has been recruiting and training monitors in the Dane County area. They will concentrate on polling places where there have been past same-day voter registration challenges or other complaints.

"Most of those locations are student areas near the campus, and a lot of places where there are a a lot of rental properties -- people that move a lot and are always changing where their residence is," she said.

She was reluctant to say those areas tended to vote Democratic, but said, "There may be evidence of those trends."

The Republican Party of Wisconsin also plans to dispatch poll watchers, and earlier this month issued a call for former police officers, firefighters and military personnel to watch polls in inner-city Milwaukee locations.

A state Republican Party representative did not return a call asking for information about Election Day plans.

Steven Elbow - 10/31/2008 8:35 pm

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