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**JUDICIAL WATCH ANNOUNCES
THE 2012 ELECTION INTEGRITY PROJECT**

OPENING REMARKS:

**TOM FITTON,
PRESIDENT, JUDICIAL WATCH**

SPEAKERS:

**J. CHRISTIAN ADAMS,
THE ELECTION LAW CENTER**

**CATHERINE ENGELBRECHT,
PRESIDENT, TRUE TO VOTE**

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TOM FITTON: Good morning everyone. Welcome to this Judicial Watch press conference announcing our 2012 Election Integrity Project. Judicial Watch is an organization that investigates and fights government corruption. And we're announcing here today the launch of our 2012 Election Integrity Project to pressure states and localities, through lawsuits if necessary, to clean up voter registration rolls pursuant to Section Eight of the National Voting Rights Act, which is sometimes known as the NVRA.

A Judicial Watch investigation based upon publicly available data shows voter rolls in the following states appear to contain the names of individuals who are ineligible to vote: Mississippi, Iowa, Indiana, Missouri, Texas, Ohio, Pennsylvania, West Virginia, Florida, Alabama, California, and Colorado.

The Election Integrity Project will be conducted in partnership with True to Vote and the Election Law Center, both of whom are represented here today by Catherine Engelbrecht of True to Vote and Christian Adams of the Election Law Center.

Judicial Watch sent initial warning letters under the law earlier this week to election officials in Indiana and Ohio as well as letters of inquiry to Florida and California officials. These letters of inquiry were designed to gain more information about some of the problematic voting lists I described. Additional letters are forthcoming.

According to our investigation, there appear to be more individuals on voter registration lists in the states I've named than there are individuals eligible to vote, including individuals presumably who are deceased. Judicial Watch's initial warning letters notified election officials in Ohio and Indiana that they are required by law to maintain accurate lists of eligible voters for use in conducting elections and that Judicial Watch is prepared to take legal action if election officials fail to clean up their voting roles.

To quote from the letters, "Allowing the names of ineligible voters to remain on the voting rolls harms the integrity of the electoral process and undermines voter confidence in the integrity of the elections. As top election officials, it is your responsibility under federal law to conduct a program that reasonably ensures that the lists of eligible voters are accurate. However with the November 2012 election on the horizon and in light of the importance of Section Eight of the National Voting Rights Act to ensuring the integrity and the legitimacy of the electoral process, we must emphasize the importance of timeliness. Accordingly, if we believe you do not intend to correct the above identified problems, a lawsuit seeking declaratory and injunctive relief may be necessary."

As Judicial Watch makes clear in its letters, under Section Eight states must make a reasonable effort to clean up registration rolls. Section Eight also requires states to make available for public inspection all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.

Election fraud was a significant concern during the 2008 and 2010 election seasons with ACORN Project Vote being linked to massive voter registration fraud. A total of 70 ACORN employees in 12 states have been convicted of voter registration fraud. As documented in a July 2009 report by the House Committee on Oversight and Government Reform, of 1.3 million registrations Project Vote ACORN submitted in the 2008 election cycle, more than one third were invalid.

Judicial Watch has uncovered documents in addition showing that rather than taking action to enforce Section Eight of the NVRA, the Obama Department of Justice is now working with the ACORN front Project Vote, Barack Obama's former employer, to push for strict enforcement of Section Seven of the National Voting Rights Act relating to the welfare office voter registration obligations. The purpose of this campaign is evidently to use voter registration laws to register greater numbers of low-income voters widely considered obviously to be an important voting demographic for the Obama presidential campaign.

Policy changes prompted by stricter enforcement of Section Seven, which is also known as the motor voter bill, have resulted in increased incidents of voter registration errors. For example, as the Judicial Watch investigation in Colorado found that the percentage of invalid voter registration forms from Colorado public assistance agencies was four times the national average after Project Vote successfully forced the state to implement new policies for increasing the registration of public assistance recipients for the 2008 and 2010 election seasons. This is a major new emphasis on the part of Project Vote and its allies in the Obama White House and the Holder Justice Department.

Judicial Watch notes directly in its letters that while Attorney General Eric Holder appears intent on enforcing Section Seven of the NVRA, which will yield, as I said, an increased risk of voter fraud, he apparently has no interest in enforcing Section Eight to ensure clean elections.

Again, to quote, "While you may be aware that U.S. Attorney Eric Holder has prioritized enforcement of Section Seven of the NVRA, which seeks to expand opportunities to register the vote, the attorney general has not demonstrated any similar interest in prioritizing enforcement of the list maintenance provisions of Section Eight of the NVRA. Nonetheless, Section Eight is an important counterpart to Section Seven. The two provisions represent a carefully crafted compromise by the U.S. Congress to increase both voter registration and the integrity of voter rolls. You can't be massively increasing voter registration and the names of voters on lists without having a rigorous process to make sure those names are correctly there."

President Obama and the Holder justice department evidently have no interest in clean elections this year. So this responsibility frankly has fallen to Judicial Watch. And given the rampant election fraud that occurred during the last two election cycles, this is a matter of the highest priority as we head into the 2012 election season. It is simply impossible to have any faith in the integrity of an election where dead people remain on the voting rolls. This is a recipe for voter fraud and stolen elections.

So this is Judicial Watch's major Election Integrity Project this year. It is nonpartisan. It is not designed to help candidates of any particular party. Judicial Watch has experience in helping ensure the integrity of elections.

In the 2000 election campaign in Florida, where you had that dispute over ballots in the hanging chads and the Florida election fight, Judicial Watch sought access over the objections of the Bush campaign to those ballots. Then we drove around Florida counting ballots.

So we know what it's like to ensure the integrity of elections and we have a history of doing it whether or not Republicans or Democrats like it. And it seems to me that voter integrity, election integrity, voter registration fraud, voter fraud, making sure dead people don't vote is a nonpartisan issue. And we hope and expect to gain support from members of both parties in this.

You'll note in your press packets that our letters are targeted at states that have Republican office holders and Democratic office holders and we expect to be suing if they don't comply with the law, even Republican office holders this year to make sure they're doing their job so that our elections are safe and free from fraud.

So I will turn it now over – before we take questions, I'm going to turn it over to our partners in this project.

J. Christian Adams will be coming up first. He saw firsthand what the Justice Department does and does not do as a lawyer at the voting section of the United States Department of Justice. And he brought a wide range of election cases to protect racial minorities, ranging from vote dilution to redistricting lawsuits. He also was behind – one of the lawyers behind the successful – until the Obama administration came into office – the successful effort to hold the new Black Panther accountable for its voter intimidation at the polls during the 2008 campaign. And he litigated the successful Voting Rights Act case of *United States vs. Ike Brown*, marking the first use of the law to protect the discriminated against white minority. And prior to his time at the DOJ, he served as a general counsel to South Carolina's secretary of state and was in private practice.

I can't think of anyone else who is a better expert of this. He's been in secretary of state offices. He knows what the duties and responsibilities are of secretaries of states and election officials. And he's been on the prosecution side. And he's also seen directly the subversion of the law by the Obama Justice Department and even during the Bush administration of career appointees who don't want this part of the law enforced.

And he's author of the new and quite successful book, which he will hold up I'm sure for you, *Injustice*, which is going to be available here at CPAC later this event. So I'll turn it over to Christian. Thank you. (Applause.)

CHRISTIAN ADAMS: Good morning. Can everybody hear me okay? Excellent.

Indeed, the book is called *Injustice* and I will hold it up. I'm signing it tomorrow at 2:00 p.m. before my panel, which everyone should come to. I will have Attorney General Ed Meese and George Allen talking about how Obama is shredding the constitution. So tomorrow at 2:00 p.m. or 2:50 p.m.

This is a great project. And what's so exciting about it is that there's a huge problem. Eric Holder's justice department is not willing to enforce Section Eight of NVRA. Tom made allusion to it appears that he's not. I can't tell you first hand that he's not because I was there when the decision was made not to.

I'll never forget – and I write about it in the book in great detail in the book *Injustice* – a meeting in November of 2009 when Julie Fernandez came to the voting section and assembled everybody in the room and announced that they would not be enforcing this provisional law during the Obama administration. They plainly said in no uncertain terms that Section Eight of motor voter was not something that they had an interest in because it had nothing to do with increasing minority turnout.

So it's fallen to private parties – and, thankfully, Congress enacted a private right of action in the law that gives private parties the right to sue and recover attorneys' fees so there is a great price to be paid for states that are allowing dead wood to infest the voter rolls.

Now, how do we know that dead wood is on the voter rolls? Well, there's two ways. Number one, you could look at the data. The data in places like Mississippi show that in some counties, 200 percent of eligible voters are registered to vote. In other counties in Mississippi it's 125 percent. Iowa, Texas, 17 counties in Texas have more people on the rolls than they have registered voters. This justice department is not willing to enforce the law because they are ideologically opposed to it.

Take the sworn testimony of Christopher Coates, the former voting section chief of the voting section during the Bush and the Obama justice departments. I write about this in great detail in my book, *Injustice*. Mr. Coates testified under oath that he recommended to Obama political appointees eight separate specific investigations into states that had more people on the voter rolls than they had human beings alive eligible to vote. He wrote this up in a memo, written documentation suggesting that these states simply be investigated, not sued, not threatened with a lawsuit, simply to pick up the phone and make phone calls as to why this situation exists. He asked for authority to

open an investigation. The Obama political appointees refused it. They spiked eight investigations before those investigations even got authority to happen.

So the situation has only gotten worse. That the voter rolls, the latest data show that they're just as bad now as they were in 2008. The only thing that's changed is we now have a justice department ideologically committed to enforcing some portions of NVRA and not others. They like the parts that help them. They don't like the parts that hurt them.

When I was at the Justice Department in the Bush administration, we enforced both provisions of the law because that's what lawyers who took an oath to uphold the law are supposed to do.

So in closing, we're facing a very serious situation this year. And, thankfully, there couldn't be anybody better on the task at hand than Judicial Watch because they're like an angry bulldog. When they get involved in an issue, they win. And I fully suspect that by the end of this year, they will have achieved a score of victories across the country to make elections more fair, more free, and with greater integrity, despite the fact we have an attorney general who's unwilling to enforce this law. Thank you very much. (Applause.)

MR. FITTON: Thank you, Christian, very much for those kind words as well. Christian has done so much to educate the American people. He's been a one man education machine in terms of alerting the American people about the corruption at the justice department. This is a job that Judicial Watch is willing to do but frankly it's outrageous that we have to do it given the duties and responsibilities of the offices of the law there in the justice department who are supposed to be upholding the rule of law.

We're pleased to be joined also by Catherine Engelbrecht who is president both of King Street Patriots, a tea party organization it's fair to say, and True to Vote. She's from Richmond, Texas, and she's the president of a high-precision oil field machine shop started in 1994 by her and her husband Bryan. So she has a real job in addition to doing her public policy activism.

Prior to 2008, Catherine had little involvement with the political arena and she what could be called a life activist with roles as a wife and mother and a founder, a board member of her church, an officer of her school's parents teacher organization, a city volunteer. She had plenty to focus on in addition to her own business.

And, obviously, things changed a bit with the increased government and outrages that occurred over the last recent years. And she got involved and got active and started in 2009 the King Street Patriots which is based in the Houston area to support and defend American exceptionalism, constitutional governance and civic duty.

And then from King Street Patriots came the True to Vote initiative which is a citizen-led effort to restore honor and integrity to our electoral system. True to Vote

educates voters, researchers the veracity of voter registries, trains and mobilizes volunteers that work in polling places and advocates for comprehensive election code reform legislation. And she's a wonderful addition to the movement for the rule of law in this country. And we're pleased to be working with her in this project.

And I'll turn it over to Catherine Engelbrecht. (Applause.)

CATHERINE ENGELBRECHT: Thanks very much. Good morning everyone. Can you hear me? Yes?

Tom, we're thrilled to be part of this. We're thrilled to be up here with Tom and Christian and what they have brought to this country in terms of the awareness of the problem, the very real problem that we face with election integrity in this country.

As Tom said, in 2009 our group started an effort called True to Vote, and it was very simply just to work at our own polls in Harris County, the third largest voting bloc in the nation, so we had an opportunity to see a whole range of challenges that once we got involved with and began doing something about by going to work at the polls, by looking at our registry, by seeing, just as Tom says, that there are problems that you can only imagine in a nightmare would be on our rolls, because I think we all think our elections are fair, right? I mean, we're America. Everything should be like a Pixar movie. It's not the case.

At any rate, we went on in Harris County, and because of what we were doing, before long people across the nation knew about us. And now we are working in 30 states. We're supporting hundreds of groups, all in a national call for election integrity. It is a misnomer to believe that our government is doing what it ought to ensure the integrity of our process. It is the responsibility, ultimately, of the citizens to make sure that our elections are kept free and fair. And it is a monumental undertaking what you're hearing talked about this morning.

Christian mentioned that one thing has changed since 2008 and that's that Eric Holder's justice department is not willing to uphold Section Eight of the National Voter Registration Act. Something else has changed. Citizens are now demanding that we can rely upon the sanctity of our vote. And whatever that means, whatever that takes, we are more than ready to walk down that road with him.

We're thrilled to be a part of the project. We look forward to the results. And let's hope that for 2012 we can rely upon the voice of the people being heard through rolls that are clean and votes that are fair. Thank you so much. (Applause.)

MR. FITTON: Now we can take a few questions. If you're a member of the media, I'd appreciate it if you identify yourself as such, otherwise, I know all of you are here including the attendees from CPAC. We welcome you. And we appreciate your input and any questions you may have. Yes.

Q: Hi. Gene (sp) – (off mike). I want to know what would the criteria for choosing the states that you did choose to start off – (off mike).

MR. FITTON: Well, generally speaking, there are states that contain counties where there are more eligible voters, there are more people on the voter registration rolls than they are eligible voters. So any county with a voter registration of over 100 percent of eligible voters makes it a target. And that's why one of the reasons it appears on these lists.

Q: (Off mike.)

MR. FITTON: Oh, I'm sorry. You look at Census data. You look at the voter registration data that's turned over by the states and the federal government, and you put two and two together and you see the problems. It's something that's easily done. And the justice department is quite capable of doing it.

MR. ADAMS: Well, they – can everyone hear me? Yes. EAC, the Election Assistance Commission, the zombie federal agency, collects data and the data are collected after each congressional action. And you could see how many people are registered to vote because the states and the counties are telling them this is how many people are registered to vote. And then you simply take the Census data and you compare the two, come up with a list of counties that have more than 100 percent of eligible voters registered to vote. It's very simply. It's also public record.

MR. FITTON: Yes. Right here.

Q: So I came a little bit late. You mentioned – (off mike). Could you maybe give some examples of some things that are happening – (off mike)?

MS. ENGELBRECHT: To be clear, I live in Richmond, but the problems that we were just referring to actually were in Harris County. We saw everything that covers the full spectrum of election, what we consider election integrity problems from not nearly enough people working at the polls and people that were there weren't properly trained in the operation of the polls.

We saw by virtue of that lack of awareness problems that led to anything from questionable voting practices to what I would consider outright election fraud, people who would come in and say they didn't know who to vote for and then you would see the election judge take them to the voting booth and vote for them.

That instance was the first foray for us into working in this larger context of True to Vote. When we saw the problems at the polls, we wondered, well, how much more is there? How much more is there in this process that we should look at?

And so we then began looking at voter registration applications, how do names get into the registry. Then we looked at the registry itself. And there is without question,

as Tom and Christian have just said, this is all public record. But, apparently, nobody is adding it up. And what we have seen now that we're becoming more involved outside of just Texas but across the country, you look at the rolls in Ohio and in Florida and Wisconsin, it's wild. It's all there online. Check it out. You won't believe it.

MR. FITTON: Yes.

Q: Hi. I'm interested in your take on possible involvement in the old concept of – in a number of jurisdictions there are rumors to require voters to have identification in order to vote. I hear opponents often say to that concept that it is a solution in search of a problem. What is your take on all of that?

MR. ADAMS: That's a very good talking point that they've distributed around the country a solution in search of a problem. That's my take on that. But I don't think we're here to talk about voter ID unless you want to.

MR. FITTON: Well, just one point. The administration's attack on voter ID laws, the administration's attack on states to force them to register more voters than might otherwise be appropriate given all the facts and circumstances and concerns about fraud and the processes there and the refusal to enforce Section Eight, to me that's a political decision to help the reelection of President Obama as opposed to enforce the rule of law without respect to political impacts.

MR. ADAMS: Yes, look, there's a pattern that's developed – opposition to voter ID, aggressive enforcement of Section Seven of motor voter, including the use of people wearing wires that are going into state election offices, justice department officials are wearing clandestine recording devices enforcing that aggressively. And then on enforcing Section Eight. You could see which way the wind blows when it comes to these individual decisions.

MR. FITTON: You know, all I need to hear is that Project Vote and ACORN are meeting with the justice department and meeting with the White House. These groups are like having a mafia running the FBI to have them involved in motor voter and voter registration issues. They have access to the highest levels of our government and they are arms of the Obama campaign and allies, and it really is distorting the rule of law.

MR. ADAMS: Let me add to what Tom just said. Let me finish what he said. They're meeting with the White House about these policies, about what the voting section in the justice department should do, not just general meetings. These are meetings with Project Vote and ACORN with White House officials to urge them to get the voting section of DOJ rights to work to file Section Seven lawsuits. It's not just how you do in meetings. It's policy meetings.

MR. FITTON: And the e-mails we uncovered show they are actually recommending people to work there. So we know who's making the decisions in the justice department of this administration. Any other questions? Yes.

Q: These voter rolls – why is the problem there? The incompetence or ideological reasons? Why are there – (off mike)?

MR. FITTON: Well, you know, I guess we can speculate as to what the reasons are. Our concern is that there are problems and steps need to be taken to fix them. Now, individual states and counties where the problems exist, there may be fixable and easy solutions to it. Others they may not care about enforcing law at all. And, you know, it is the government after all.

So it may be just government bungling and incompetence, but they've been unnoticed for a long time. Christian has previously been active in this area. They know what the law is, the secretaries of states do. They're very acutely aware of it. But I guess they don't have to worry about the justice department breathing down their necks on this so they're not interested in enforcing the law.

MR. ADAMS: And, Michael, some of it it's a little – it's a mix of both. I know there's some counties in Mississippi that I personally litigated a case in where it is incompetence, incompetence like you've never seen. But at the same time, the people who run the show realize this is a good thing. We're not going to clean up our voter rolls because it allows us to do certain things. It allows us to get absentee ballots out to people who don't exist. And so you have this toxic blending of incompetence and ideological views and that's led to corruption of voter rolls in a lot of places in the country.

MR. FITTON: Catherine, what has been the response of officials when you've highlighted or your colleagues and activists of True to Vote have highlighted problems to them? Have they been responsive?

MS. ENGELBRECHT: In some cases they've been very responsive and it's been very refreshing. In other cases, it's as if they've never received word from us on anything. Christian can attest to the fact that in 2010 we sent letters to the Department of Justice based on some things that we found in our own rolls and never received a response of any kind.

But, Michael, I'd like to go back just real quick and address why it is that the rolls are like they are because there are all kinds of I think reasons that we can look at from an institutional perspective why our government is being allowed to do this. But I think it also speaks to the fact that citizens – we do not assign this priority. We just make the assumption that if we vote everything works its way out.

And the problem that we face cannot be overstated. This is not something that can be taken lightly. This is – everything else you're going to hear talked about this entire weekend presupposes that this works, what we're talking about. So it is of paramount importance. And I think – I really I thank God for Judicial Watch stepping up to the plate because it needs to be done.

MR. FITTON: When you think about it, it affects not only federal elections, but it affects potentially state and local elections as well. So everyone ought to have an interest in this. Yes, in the back, sir.

Q: (Off mike) – Secretary Thomas Jefferson. Shouldn't we be – (off mike) – legislative branch or judicial branch – (off mike)? Most of us don't think of the vote that we have – (off mike) – and grand jury. And – (off mike) – still have the right – (off mike) – government officers, government services who are not doing their duty. And so in some of these laws where they had voting shall we say – (off mike) – was they're not being enforced by the Department of Justice, wouldn't it not be wise to also have the aspect of True to Vote to go to the – (off mike) – grand juries to bring charges against voting officers who are not doing their job.

MR. FITTON: Well, this is a – I don't – I'm not in a position to dispute anything you said but specifically though this is a question of a federal law and private parties having the right to enforce this federal voting law through private rights of action in federal court. And, generally, the concept of citizen Grand Juries, to the extent they exist at the state level usually relates to state law. But that's my non-lawyer response. Next question. Any other questions? Yes. Right here.

Q: Isn't there a law on the books already that states have to purge their own rolls and – (off mike)?

MR. FITTON: Well, this is the purpose of our press conference, reporting out those –

MR. ADAMS: He came in late.

MR. FITTON: Oh, I'm sorry.

Q: (Off mike.)

MR. FITTON: That's fine. It's called Section Eight of the National Voting Rights Act requires states to make reasonable efforts to make sure their rolls are being – are cleaned up. And if they're not being cleaned up, you can in certain circumstances sue to enforce the law. And we've sent warning letters to two states. We expect to send additional warning letters. We have concerns about other states and we sought more information from. And we plan, if they don't comply with the law, if we can, we plan to sue to enforce that Section Eight of the National Voting Rights Act, a section to the law that the justice department does not want to enforce for reasons we stated.

Q: (Off mike.)

MR. FITTON: Which two states? Well, we sent letters of inquiry to California and Florida and we sent letters – demand letters, which are more severe, warning them of a lawsuit if they don't comply and follow the law to Ohio and Indiana. Yes, John (sp).

Q: What standard of accuracy are we expecting? What standard of accuracy?

MR. FITTON: Well, we're using Census data. We're using their own reporting to the federal government, the Election Assistance Center. So we're expecting them to look at the numbers that the Census has, the federal government has, look at the numbers they've presented to the government and when there's a problem and there's an indication of a problem, they need to make sure. You know, arguably, when you have voter registration at 90 plus percent of the eligible population, you know, there could be an indication of a problem. At this point though, we're sticking to the issue of anyone with over 100 percent, which is an obvious indication of a problem.

Q: But isn't – aren't they very raw those numbers? Those are just –

MR. ADAMS: No. They're totally on point. The Census data is down to a – (inaudible). The voter reg numbers are down to a – (inaudible). There's no ambiguity about county reg numbers. They're not raw. They're – the county themselves say here's how many people are on our rolls, end of story.

MR. FITTON: Yes. There's going to be no question about what the numbers are. It's a question of what they're doing to maintain the voting rolls. And that's where the legal fight and hopefully the discussion first can take place. We're hopeful that some of these states respond positively and take some adequate steps to do what the law requires. And that would be a great victory for us. But if they don't, Judicial Watch does have the capability and willingness to sue in court. Okay. So unless there are any other questions –

MR. ADAMS: There's one more.

MR. FITTON: One more. Yes. Did you have a question? No? Yes. One more for you.

Q: Moving forward from here, what will be the best way to track information in the responses that you'll hopefully get from the states? Do we go on your websites directly – (inaudible)?

MR. FITTON: Well, sure. I mean, initially, obviously, True to Vote it's truetovote.org and electionlawcenter.com, and judicialwatch.org will have most of the legal documents up as they come in. And so we'll be pursuing that.

Now, on your way out we do have press packets which have copies of the letters I've referenced and the press release I referenced as well. And obviously we're around at CPAC if you have more information or contact your offices otherwise. But thank you for joining us today and we'll see you at the rest of CPAC. (Applause.)

(END)