

Democrats' drive to keep Nader off ballot: a reactionary attack on democratic rights

By Patrick Martin
26 August 2004

The Michigan Board of State Canvassers on August 23 blocked certification of petitions to place independent presidential candidate Ralph Nader on the state ballot. The board deadlocked 2-2 on whether to certify more than 50,000 signatures filed on behalf of Nader, far more than the 31,000 required by state law. The two Democrats on the board voted to keep Nader off the ballot, while the two Republicans voted to put him on. The deadlock means that the issue will now be resolved in the courts.

Michigan is the fifth state in a week where Nader has been denied ballot status by administrative or court action, following Illinois, Maryland, Missouri and Virginia. In each case, the challenges to Nader's ballot status have been brought by the Democratic Party, which is escalating its attack on the democratic rights of hundreds of thousands, if not millions, of potential Nader voters, seeking to deny them any choice other than Bush or Kerry.

On the same day as the Michigan decision, a federal court in Illinois denied Nader's challenge to state election laws. The lawsuit asked the court to set aside the state's June 21 deadline for submitting a nominating petition, calling it too restrictive. The suit also sought the reinstatement of petition signatures challenged by the Democrats because the signers, while registered to vote, had moved since registering and signed the petition using an address different from the address on the election rolls.

In Virginia, officials of the Democratic-controlled state government initially rejected the petitions filed by the Nader campaign on the thinnest of technicalities. The Nader campaign sought to file its petition August 20, submitting well over the 10,000 signatures required for ballot status. Board of Elections Secretary Jean R. Jensen refused to accept the petition because the sheets were not grouped by congressional district.

State law requires that, in addition to 10,000 signatures overall, there be at least 400 signatures from each of the state's 11 congressional districts. The physical grouping of the petition sheets by congressional district is purely an administrative convenience, not required by law, but the board official used this as a pretext to disqualify Nader. This came at the prompting of a Democratic Party official who was present at the board offices observing the Nader filing.

On Monday, Virginia Attorney General Jerry W. Kilgore, a Republican, ordered the Board of Elections to reconsider the Nader petitions, declaring in a five-page letter that the board had not actually ratified the rule requiring petitions to be grouped before filing.

Challenges are under way in other states. In Pennsylvania, where the Nader campaign submitted 47,000 signatures, the Democrats have filed suit charging that the vast majority are fraudulent. In West Virginia, the state attorney general, Darrell McGraw Jr., a Democrat, filed a lawsuit charging that Nader petition circulators had violated state election laws.

Nader petitions have been rejected in Arizona, Georgia, Indiana, Oklahoma and Texas, and the Nader campaign failed to file in California, where the state requirement is a whopping 153,000 signatures. Other Nader petitions face administrative challenges that may ultimately end up in court, including in Iowa, Maine, Nevada, New Hampshire and Oregon.

Nader has filed petitions in recent weeks in nearly two dozen other states, while petitioning continues in a half dozen more. He has already obtained ballot status in seven states through support from the Reform Party, the rump of the organization established by billionaire Ross Perot in his 1992 and 1996 presidential campaigns. Nader also received the presidential nomination of the Independence Party, a third party with ballot status in Delaware.

Anti-democratic US election laws make it necessary for Nader, who won nearly three million votes in the 2000 presidential campaign, to collect as many as 1.5 million petition signatures to obtain ballot status in all 50 states. While his campaign has claimed that Nader will do better than in 2000, when he appeared on the ballot in 43 states, the spate of legal and administrative challenges now makes that unlikely, and Nader could appear on as few as 25 or 30 state ballots. He seems likely to be excluded from the ballot in California, Texas, Pennsylvania, Michigan and Illinois, five of the eight largest states.

The Democratic Party has waged a campaign of disruption and sabotage against Nader that is flagrantly anti-democratic. A group of Democratic Party lobbyists and fundraisers have established a nominally independent group, Ballot Project Inc., as the vehicle for this effort, collecting more than \$100,000 in contributions as well as pro bono legal assistance from Democratic Party-affiliated lawyers which, according to organizers, is worth up to \$2 million.

Toby Moffett, a former Democratic congressman and longtime lobbyist, who co-founded Ballot Project Inc., described the purpose of the ballot access challenges in unabashedly anti-democratic terms. In an interview with the *Washington Post*, Moffett said, "We wanted to neutralize his campaign by forcing him to spend money and resources defending these things." He added, "Much to our astonishment we've actually been more successful than we thought we'd be in stopping him from getting on at all."

Two other Democratic anti-Nader groups, the Nader Factor and Stop Nader, have begun media attacks against Nader, launching a \$500,000 ad campaign against a candidate who is not on the ballot in most states and has not yet run a single television spot on his own behalf.

Counting both the fundraising and the free legal assistance, the Democrats have mobilized more resources to keep Nader off the ballot than the \$2.5 million that Nader and his running mate, Peter Camejo, have raised up to now to finance their own campaign.

The anti-Nader effort has gone well beyond the use of technicalities, like those cited above in Virginia, to include political dirty tricks and outright intimidation. In Oregon, one of the most hotly contested states—and one of Nader's strongest in 2000—the Democrats successfully blocked Nader's first effort to obtain ballot status, which his supporters attempted by holding a convention with an attendance of at least 1,000 people, one of the methods prescribed by state law. On the day of the convention, the Democrats packed the hall with their own supporters, preventing many Nader supporters from getting inside, and then refused

to vote to nominate him, thus frustrating the whole procedure.

The Nader campaign then launched a petition drive to collect the nearly 15,000 signatures required under an alternative procedure. The Democrats responded by mailing a letter from the party's attorneys to circulators of the Nader petition, warning that they were investigating "whether fraudulent signature-gathering techniques were used in the circulation of those petitions," and threatening circulators by saying their involvement "may result in a conviction of a felony with a fine of up to \$100,000 or prison for up to five years."

In Pennsylvania, where the Nader campaign filed 47,000 signatures, the Democrats photocopied the entire petition, mobilized dozens of lawyers, legal aides, software programmers and data entry personnel, and created a database of all 47,000 names. In the space of a week, they checked each name against the state's list of registered voters, and then filed a challenge to the bulk of the signatures. The Nader campaign, without the same resources, is in a difficult position to fight such a line-by-line challenge, however bogus the objections may be.

The Socialist Equality Party confronted similar tactics in Champaign, Illinois, but was able to overcome the challenge to the petition filed by its candidate, Tom Mackaman, by diverting resources from other ballot drives. The SEP conducted its own line-by-line review of petitions and proved that the Democrats were carrying out a bad faith challenge. Democratic officials deliberately challenged signatures as invalid when they knew there was no basis for doing so—including the signature of the candidate himself.

The issues raised in Nader's challenge to the Illinois filing deadline are similar to those in the legal challenge that SEP candidate David Lawrence is making in Ohio to the March 1 filing deadline for congressional candidates. In both cases the plaintiffs are arguing that early filing deadlines are arbitrary and discriminatory.

When it has served their purposes, the Democrats have challenged the same deadlines they are now using against third-party candidates. In a case decided last week in Louisiana, the Democratic Party successfully argued against a filing deadline for Congress, after incumbent Democratic Congressman Rodney Alexander switched parties and filed as a Republican for reelection.

Alexander initially filed as a Democrat, but on the last day, 15 minutes before the deadline, refiled as a Republican. This transparent attempt to rig the election—Alexander would have faced no significant Republican or Democratic opponent—was overturned by a friendly Democratic judge, who held that legal technicalities should be set aside in the interests of democratic rights. The judge ruled, quite correctly, that Democratic voters were being denied the right to have an effective candidate, and he extended the filing period to allow more candidates to enter the race.

The Democratic Party campaign against Nader is utilizing the cynical tactic of treating all political opponents to its left as illegitimate, and branding them as agents of the right wing. Party spokesmen have repeatedly declared that the Nader campaign is nothing more than an instrument of Bush and the Republicans for the purpose of splitting the "anti-Bush" vote.

This charge is a smear, but Nader is vulnerable to it because of his unprincipled decision to seek the nomination of the Reform Party, which supported right-wing Republican Patrick Buchanan in 2000. In a few states, local Republicans have mobilized on Nader's behalf, with the result that the "independent" candidate has become something of a political pawn in the conflict between the two main bourgeois parties.

In Michigan, after the top state election official, Terri Lyn Land, a Republican, ruled that Nader was not entitled to the Reform Party line because of a split in that organization, the state Republican Party apparatus went to work and collected 45,000 signatures to put him on the ballot. Nader initially rejected this Republican support, declaring he had "nothing to do with it," but then reversed himself and agreed to accept the

signatures collected on his behalf.

In a letter to Democratic National Chairman Terry McAuliffe, posted on his campaign web site, Nader writes, "I have always said we reject organizational help from any major Party. As for individual contributions, I'll bet our major donations from individual Democrats far exceed major donations from individual Republicans in part because they want your Party to be pulled toward more progressive programs and away from its corporate grip and its corporate executive contributors."

This assertion is confirmed by a study by the Center for Responsive Politics, the leading analyst of campaign finance reports, which found that only 4 percent of Nader's funding came from donors who had also given to Republicans. These same Republican donors gave more money to Democrats (\$66,000), than to Nader (\$54,000).

The Socialist Equality Party has well-known and irreconcilable differences with the politics of Ralph Nader. He is a defender of the capitalist system whose program is well within the boundaries of official bourgeois politics, representing an eclectic mixture of left-sounding demands (US withdrawal from Iraq) and right-wing nostrums (trade protectionism, chauvinist attacks on immigration).

But these political differences in no way prevent the SEP from supporting Nader's right to run for president, to campaign for political support for his views, and to appear on the ballot. The SEP has collaborated with supporters of Nader, as well as the Greens and Libertarians, in challenges to reactionary ballot rules in Illinois and Ohio, and will do so in other states where it is appropriate.

Perhaps the most remarkable fact about the Democratic Party attack on Nader's right to run is the tacit endorsement of these anti-democratic tactics by the US media. Nearly three million people voted for Nader in 2000—more than the population of half the 50 states. The Democratic Party is brazenly seeking to suppress the democratic rights of those who would be inclined to vote for Nader in this year's election. Yet the media reports this neutrally, or even sympathetically.

One can only imagine the public furor if a US political party openly advocated suppressing the voting rights of a comparably sized group—say, public school teachers, Jews, or people of South Asian descent. Yet there is no such reaction to the suppression of the Nader vote.

Only one other group as numerous as Nader voters has been disenfranchised in the United States—convicted felons released from prison, who are denied the right to vote by reactionary laws in many states. The similarity is worth considering. The two big business parties come close to criminalizing third-party candidates and those who support them. That is a measure, not of their strength or public support, but of their weakness and fear of any challenge to a political structure that is corrupt and openly subservient to the interests of a financial oligarchy.

To contact the WSWWS and the
Socialist Equality Party visit:

<http://www.wsws.org>