

**Testimony of
J. Christian Adams**

**Before the House State Government Committee
on
House Resolution 578**

May 6, 2014

J. Christian Adams
Policy Board Member
American Civil Rights Union
300 N. Washington Street
Suite 405
Alexandria, Virginia 22314
703-963-8611
adams@electionlawcenter.com

Chairman Metcalfe, Ranking Member Cohen, members of the Committee, thank you for the invitation to testify today. As a Westmoreland County native, it is a great honor to appear before this body.

I am an election lawyer. I litigate election cases across the country in an effort to bring greater integrity to American elections. I formerly served in the Voting Section at the United States Department of Justice and have a long record of litigating against racially discriminatory election systems as well as litigation supporting election integrity in multiple states on behalf of the American Civil Rights Union.

I have spent many long hours inside Pennsylvania polling locations monitoring elections. Those experiences have led me to believe that Pennsylvania is a place where every elected official should be completely intolerant of any criminal behavior touching on Pennsylvania elections.

I appear before you today because of corrosive effect on election integrity that comments by and policies of Attorney General Kathleen Kane have had. General Kane's brazen unwillingness to pursue behavior by some elected officials who reportedly took bribes in exchange for votes against voter identification legislation sends a signal that criminal behavior touching on elections will be tolerated. Her unwillingness to enforce the law was not only corrosive to the

integrity of Pennsylvania elections, but also sends a message nationwide to would-be election criminals.

Because of General Kane's comments and brazen unwillingness to enforce the law, particularly as they affect election integrity, I support Article III of Representative Metcalfe's Amendment to House Resolution 578.

As you know, General Kane's predecessor in office initiated an investigation in October 2010. It has been reported that this investigation targeted members of this House from both political parties, and from all parts of the Commonwealth. Reports indicate that four legislators accepted cash gifts and jewelry in exchange for votes against a photo voter identification bill. Unfortunately, General Kane has decided to drop the matter.

What is even worse than General Kane dropping the matter is her justification as to why she did so. She broadly impugned the competence and credibility of the investigation conducted by her predecessor as well as the line investigators on the case.

Worse still, General Kane invoked the specter of race. She characterized the investigation as racially tainted, apparently because the members caught accepting the bribes were all of the same race.

There is a growing corrosive attitude in the United States that excuses criminal conduct pertaining to elections. The Attorney General of Pennsylvania

should not be making excuses for individuals who accepted bribes to block election integrity legislation. Simply because one does not agree with voter identification laws does not mean one should turn a blind eye toward public officials accepting bribes to oppose them. It is the duty of law enforcement officials throughout the Commonwealth to be totally intolerant of any criminal conduct touching on our elections.

It is the obligation of the Attorney General to ignore the race, religion or partisan affiliation of the wrongdoers in deciding whether to enforce the law.

The integrity of our elections is what provides the genuine consent of the governed. Without the perception that the system is clean, fair, and free from criminal conduct by high officials, people will not long support the system. General Kane should take action against criminal behavior, not excuse it.

Across America, however, instances of voter fraud go unprosecuted, individuals who vote twice in the same election go unpunished. Election officials who commit election crimes, sometimes even voting six times in one election, are given breaks. Excusing criminal conduct encourages the public to believe that elections are not clean, and do not represent the consent of the governed.

Excusing criminal conduct surrounding elections is inexcusable.

But it is especially divisive to excuse criminal conduct by citing the race of the wrongdoer. For the Attorney General to assert that it would be improper to

proceed with criminal charges against individuals caught on tape accepting bribes because of their skin color wrecks the rule of law.

Unfortunately, in my experience, using race to excuse potentially criminal conduct in elections is nothing new. I write about this phenomena extensively in my book *Injustice*.

For example, in Hale County, Alabama, after indictments of three individuals for voter fraud in 2007, race was invoked to cast doubt on the criminal investigation by Alabama Attorney General Troy King.

In a stunning display, more than 200 people packed the arraignment at the Hale County Courthouse and loudly applauded when not guilty pleas to the voter fraud charges were entered. In a corrupt appropriation of the moral authority of the civil rights movement, the audience wore t-shirts that said, “Greensboro 2: Injustice Anywhere is a Threat to Justice Everywhere.” Outside the courthouse, supporters held hands in a huge circle, sang songs from the civil rights movement, and prayed for the defendants’ legal deliverance.

All three defendants would ultimately plead guilty to voter fraud.

Neither should the Attorney General give a pass to criminal wrongdoing because of the race of the accused.

It is immoral to use race either to excuse criminal conduct surrounding our elections just as it is immoral to discriminate against anyone on the basis of race.

Sadly, giving cover to criminal conduct in American elections is not a phenomena confined to Hale County, Alabama, or in the halls of government in Harrisburg. It is beginning to happen throughout the United States.

One of the principles that separate America from every other country in every other age is that citizens are to be treated based on their actions, not based on if they have friends in high places protecting them, not if they come from nobility and not based on their race or religion. The actions of General Kane undermine this important principle of equality before law.

General Kane claims that the investigation was tainted and others have told the media that a prosecution would be impossible to obtain in the case of legislators accepting bribes. One such opinion was offered by a district attorney who reportedly did not even review the evidence in the case. Those defending General Kane's refusal to enforce the law cite shortcomings of the evidence in the case.

Fine, then let the people of Pennsylvania judge for themselves. General Kane should release to the General Assembly all of the hidden camera videos of the individuals accepting the cash and gifts. Press accounts describe hours and hours of videotaped content. Let the citizens of Pennsylvania see their legislators accepting cash and jewelry in exchange for opposition to voter identification legislation. Let the people of Pennsylvania judge for themselves whether or not

General Kane is faithfully executing the laws of the Commonwealth. Let the people be the judge of whether the evidence is sufficient.

It is one thing to assert that a case was not worth pursuing; it is quite another to defend that assertion after everyone sees the videos of legislators accepting bribes.

Let's also hope the media throughout Pennsylvania does their job and presses for the release of those videos.

Finally, there is plenty of criticism to go around for not pursuing the bribes. I believe that the acceptance of bribes in return for votes may also implicate federal criminal statutes, statutes which the United States Justice Department has diligently pursued in many other cases, including here in Pennsylvania. Greater scrutiny of the Department of Justice's failure to act in this case is also needed. It would be an unfortunate thing if the public believed that serious crimes might go unpunished because those who accepted the bribes were of the same political party as the law enforcement officials charged with prosecuting them.

Thank you for the opportunity to appear.

###

J. Christian Adams is the founder of the Election Law Center Virginia. He is on the Policy Board of the American Civil Rights Union. He served from 2005 to 2010 in the Voting Section at the United States Department of Justice where he brought a wide range of election cases to protect racial minorities including in South Carolina, Florida, and Texas. He litigates election law cases throughout the United States and even in Guam. In election litigation he has represented multiple

candidates for President of the United States. He received the Department of Justice award for outstanding service and numerous other Justice Department performance awards. Prior to his time at the Justice Department, he served as General Counsel to the South Carolina Secretary of State. He also serves as legal editor at PJMedia.com, an internet news publication. He is a Pennsylvania native and holds a B.A. from West Virginia University and has a law degree from the University of South Carolina School of Law. He is a member of the South Carolina and Virginia Bars.