

More Fronts in Pa.'s Voter ID Battle

Pennsylvania, the birthplace of the two most important founding documents of the U.S. republic, is now a legal battleground where Republicans are seeking electoral victories by imposing a voter ID law to suppress the vote, explains William Boardman.

By William Boardman

The Republican victory dance when Pennsylvania's controversial voter ID law survived its first court test may prove premature, since the law still faces at least three other likely legal challenges.

The Public Interest Law Center of Philadelphia has already filed an appeal to the Pennsylvania Supreme Court, seeking to reverse the Aug. 15 decision of Judge Robert Simpson. The Republican judge denied an injunction to prevent the law from taking effect, while expressing some misgivings about both the statute and the legislative process that produced it. He did not rule on the substance of the law, but issued a limited finding that it was not unconstitutional on its face.

Barring further impediment, the law goes into effect on Sept. 17, well ahead of the Nov. 6 election. Designed by Republicans in the legislature to suppress the vote of groups more likely to vote Democratic, the law may disenfranchise more than 750,000 otherwise eligible voters from casting ballots, about ten per cent of the Pennsylvania electorate.

However many voters actually lose their vote, Republicans think the number will be enough for them to win elections in Pennsylvania that they would otherwise lose. That's the clear meaning of the comment last June by Pennsylvania House Majority Leader Mike Turzai, "Voter ID, which is gonna allow Governor Romney to win the state of Pennsylvania, done."

Judge Simpson, while finding in Turzai's favor on the injunction, nevertheless felt the need to call Turzai's remarks "troubling" and "tendentious."

In an appeal filed on Aug. 16, the Law Center asked the Supreme Court to hear the case on an expedited basis, before the law takes effect. If the court accepts the proposed timeline, it will hear oral argument the week of Sept. 10. The Supreme Court, which currently comprises six justices, three Republicans and three Democrats, is under no obligation to hear the appeal quickly.

On a separate track, there's a lawsuit pending in Pennsylvania's second-most populous county, Allegheny, which is majority leader Turzai's home county. In contrast to the earlier suit for an injunction on behalf of voters who would

lose their right to vote, the Allegheny County challenge was brought in June by county officials.

The county executive and county controller argued that the law violates both the Pennsylvania constitution and federal laws protecting the right to vote. The county officials say the law will cost \$11 million to implement, with the state paying none of it. "So the governor is creating another unfunded mandate for all 67 counties," Allegheny county controller Chelsa Wagner said.

The third legal challenge to Pennsylvania's voter ID law comes from the U.S. Department of Justice, which has asked the state to respond to concerns that the partisan law discriminates against minorities. The Justice Department has asked the state for data on the Pennsylvania electorate, with a deadline next week. Depending on the analysis of the data, the Justice Department could file a federal lawsuit under the 1965 Voting Rights Act.

The partisan nature of the legislation has been clear all along, with no Democrat in the legislature voting for it. The fact that a judge who was an elected Republican blocked the injunction has led to speculation that his decision was also partisan. However, at least one legal writer has looked at the question in detail for the Los Angeles Times and given the judge a pass.

Meanwhile, an umbrella group called the Pennsylvania Voter ID coalition, with 70 or more members, has hundreds of people on the ground educating voters and helping them get valid ID, which is more complicated than one might think. Even Governor Tom Corbett admitted he didn't know what would be a valid ID.

And if this coalition of unions and churches and lawyers and civil rights workers and many more is successful, then even if the courts fail to intervene, maybe enough people will be able to vote and frustrate the Republican effort to tilt the election unfairly.

So there's still a chance Pennsylvania will live up to the expectations of the state constitution's Article 1, Declaration of Rights, among them that "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

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Romney's Mysterious Foreign Policy

The uncertainty over where Mitt Romney or Barack Obama might take U.S. foreign policy in the next four years rests on the vagueness of Romney's neocon rhetoric and the fact that Obama may veer in new directions because he will be freed from seeking reelection, says ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

Now that presidential nominations are decided in primaries, the U.S. political parties' quadrennial conventions are often regarded as opportunities for a nominee to define himself to a national audience. The approach of the Republican convention has been the occasion for considerable commentary about the defining that Mitt Romney still has to do, including on foreign policy.

The cover of the *Economist* asks, "So, Mitt, what do you really believe?" The generally right-of-center publication says it "finds much to like" in Romney but expresses some of its strongest doubts regarding what Romney has said so far on foreign policy, specifically mentioning China, immigration, and "his attempts to lure American Jews with near-racist talk about Arabs and belligerence against Iran."

Washington Post columnist David Ignatius, in commenting about the undefined aspects of Romney's foreign-policy posture, writes, "Other than his support for Israel and rhetorical shots at Russia and China, it's a mystery what Romney thinks about major international issues and where he would take the country."

In trying to identify the direction a President Romney would take the country's foreign relations, Ignatius cites the *National Interest's* Robert Merry, who explains that the "default position" of the party that is about to nominate Romney is that of the neoconservatives. Ignatius also presents what he describes as a "contrary view" from an anonymous but prominent neocon who is sympathetic to Romney but disappointed that he "has done nothing to present a coherent foreign policy" and instead has conducted a campaign that on foreign matters has consisted of little more than "opposition research" and "drive-by shooting of Obama."

Actually these two views are not contradictory. The neocon presents a fair description of the foreign-policy side of Romney's campaign, while Merry is correct that in any intramural contest among Republicans over actual policy, there is no other current school of thought that seems able to overpower the neoconservatives.

What is a genuinely open-minded voter who regards foreign policy as important, and wants to cast his or her ballot partly on the basis of foreign policy and not just according to an opinion about abortion or Obamacare or some other domestic issue, to make of this campaign? I am not implying that such voters constitute a large part of the electorate, but any who do exist deserve to be commended for their attitude toward the election and deserve guidance in how to act on their good intentions.

One possible approach would be to accept the inability to make clear foreign-policy distinctions between candidates and just vote based on any preferences one has on domestic issues. Ignatius cites an anonymous "prominent Republican" who would seem to lend support to this approach by saying that once in office any president responds to the foreign realities he faces and that policy doesn't really vary much from one administration to another, regardless of what was said in campaigns.

It is true that a large proportion of foreign policy is driven by those realities and that election campaigns artificially amplify apparent differences. But it is simply not true that the electorate's choice matters as little in foreign policy as the statement implies.

A glaring case in point is what became by far the biggest part of the immediate past administration's foreign policy: the Iraq War. The war was a project of the neoconservatives and assertive nationalists who dominated that administration. The war had huge costs and consequences for U.S. interests. Such a war would not even have been raised as a possibility under a President Gore.

Choosing a president matters a lot for foreign policy, and a foreign-policy-minded voter can choose intelligently even if unable to predict specific policies that one or the other candidate would implement. The vagueness and omissions of campaign rhetoric are one reason for the unpredictability. Those foreign realities, some of which have a way of suddenly going bump in the night, are another reason.

The Iraq War again illustrates the point. Voters could not have predicted in 2000 that one of the candidates would as president initiate such a war, mainly because they could not have predicted the event that made the war politically possible by causing a sea change in American public attitudes about national security: the 9/11 terrorist attacks.

Anticipating the foreign policies of different candidates may not be a prediction of specific policies, but it can entail a plausible estimate of different *relative likelihoods* of different *types* of policies. Campaign rhetoric and the proclivities of prominent advisers provide some basis for making such an

estimate (as could have been done to some extent with candidate George W. Bush and the neocons, some of whom already were openly advocating the use of force to overthrow the Iraqi regime even though their political opportunity to do so had not yet come).

The default ideology of a candidate's political party, as described by Merry in the case of today's Republicans, provides still more of a basis. (James Kitfield's article on the influences bearing on Romney's foreign-policy views is an excellent tutorial on the subject.)

Sometimes a candidate has a real foreign-policy record to go on, although not as often in recent times as today. Four of the first six presidents of the United States had been secretaries of state; most of our recent presidents have come up career tracks much farther removed from foreign policy.

But when an incumbent runs for reelection, as is the case this year, there is a very substantial record to go by. The voter/estimator can assess the wisdom or lack of wisdom displayed in that record, and if the alternative is, in Ignatius's word, a mystery, can factor in his or her risk propensity in deciding whether or not to take a chance on something different.

Second-term policies are, admittedly, not identical to first-term policies, partly because of what does and does not happen to go bump in the night. But when an incumbent is running against a non-incumbent, a more fundamental difference is involved. As I have suggested before, it is the difference between a president who will never be running for anything again, with all that implies in terms of being freed from political dependencies, and a president who will be running for reelection from his first day in office, with all that implies in terms of staying in the good graces of those who helped to elect him once and whom he will need to elect him again.

There is indeed much to perplex the voter who wants to think seriously about foreign policy, but there also is plenty of basis, notwithstanding the mysteries, for making a well-grounded choice.

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