Exhibit 3
Post at <http://www.michigan messenger.com/4076> (September 10, 2008)

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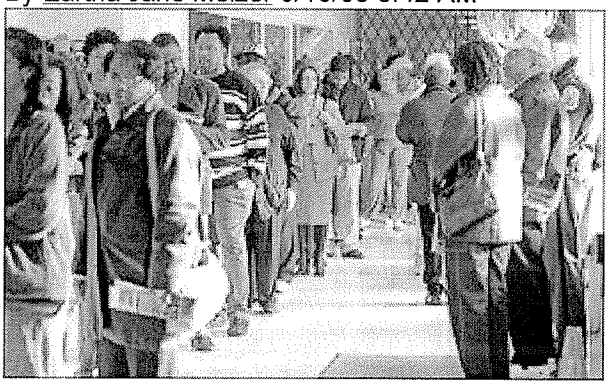
Lose your house, lose your vote

By Eartha Jane Melzer 9/10/08 6:42 AM



Michigan Republicans plan to foreclose African-American voters

The chairman of the Republican Party in Macomb County, Michigan, a key swing county in a key swing state, is planning to use a list of foreclosed homes to block people from voting in the upcoming election as part of the state GOP's effort to challenge some voters on Election Day.

"We will have a list of foreclosed homes and will make sure people aren't voting from those addresses," party chairman James Carabelli told Michigan Messenger in a telephone interview earlier this week. He said the local party wanted to make sure that proper electoral procedures were followed.

State election rules allow parties to assign "election challengers" to polls to monitor the election. In addition to observing the poll workers, these volunteers can challenge the eligibility of any voter provided they "have a good reason to believe" that the person is not eligible to vote. One allowable reason is that the person is not a "true resident of the city or township."

The Michigan Republicans' planned use of foreclosure lists is apparently an attempt to challenge ineligible voters as not being "true residents."

One expert questioned the legality of the tactic.

"You can't challenge people without a factual basis for doing so," said J. Gerald Hebert, a former voting rights litigator for the U.S. Justice Department who now runs the Campaign Legal Center, a Washington D.C.-based public-interest law firm. "I don't think a foreclosure notice is sufficient basis for a challenge, because people often remain in their homes after foreclosure begins and sometimes are able to negotiate and refinance."

As for the practice of challenging the right to vote of foreclosed property owners, Hebert called it, "mean-spirited."

GOP ties to state's largest foreclosure law firm

The Macomb GOP's plans are another indication of how John McCain's campaign stands to benefit from the burgeoning number of foreclosures in the state. McCain's regional headquarters are housed in the office building of foreclosure specialists Trott & Trott. The firm's founder, David A. Trott, has raised between $100,000 and $250,000 for the Republican nominee.

The Macomb County party's plans to challenge voters who have defaulted on their house payments is likely to disproportionately affect African-Americans who are overwhelmingly Democratic voters. More than 60 percent of all sub-prime loans — the most likely kind of loan to go into default — were made to African-Americans in Michigan, according to a report issued last year by the state's Department of Labor and Economic Growth.

Challenges to would-be voters

Statewide, the Republican Party is gearing up for a comprehensive voter challenge campaign, according to Denise Graves, party chair for Republicans in Genessee County, which encompasses Flint. The party is creating a spreadsheet of election challenger volunteers and expects to coordinate a training with the regional McCain campaign, Graves said in an interview with Michigan Messenger.

Whether the Republicans will challenge voters with foreclosed homes elsewhere in the state is not known. Kelly Harrigan, deputy director of the GOP's voter programs, confirmed that she is coordinating the group's "election integrity" program. Harrigan said the effort includes putting in place a legal team, as well as training election challengers. She said the challenges to voters were procedural rather than personal. She referred inquiries about the vote challenge program to communications director Bill Nowling, who promised information but did not return calls.

Party chairman Carabelli said that the Republican Party is training election challengers to "make sure that [voters] are who they say who they are."

When asked for further details on how Republicans are compiling challenge lists, he said, "I would rather not tell you all the things we are doing."

Vote suppression: Not an isolated effort

The issue of voter challenges is arising around the country. In Ohio, the Columbus Dispatch, in an July 6 article titled "Foreclosed-on voters using old addresses could snag election," reported that Doug Preisse, a member of the board of elections in Franklin County and the chair of the local GOP, said he has not ruled out challenging voters before the election.

Hebert, the voting-rights lawyer, sees a pattern.

"At a minimum what you are seeing is a fairly comprehensive effort by the Republican Party, a systematic broad-based effort to put up obstacles for people to vote," he said. "Nobody is contending that these people are not legally registered to vote.

"When you are comprehensively challenging people to vote," Hebert went on, "your goals are two-fold: One is you are trying to knock people out from casting ballots; the other is to create a slowdown that will discourage others," who see a long line and realize they can't afford to stay and wait.

Challenging all voters registered to foreclosed homes could disrupt some polling places, especially in the Detroit metropolitan area. According to the real estate Web site RealtyTrac, one in every 176 households in Wayne County, metropolitan Detroit, received a foreclosure filing during the month of July. In Macomb County, the figure was one household in every 285, meaning that 1,834 homeowners received the bad news in just one month. The Macomb County foreclosure rate puts it in the top three percent of all U.S. counties in the number of distressed homeowners.

Wayne, Oakland, Macomb, Kent and Genessee counties were — in that order — the counties with the most homeowners facing foreclosure, according to RealtyTrac. As of July, there were more than 62,000 foreclosure filings in the entire state.

Joe Rozell, director of elections for Oakland County in suburban Detroit, acknowledged that challenges such as those described by Carabelli are allowed by law but said they have the potential to create long lines and disrupt the voting process. With 890,000 potential voters closely divided between Democratic and Republican, Oakland County is a key swing county of this swing state.

According to voter challenge directives handed down by Republican Secretary of State Terri Lynn Land, voter challenges need only be "based on information obtained through a reliable source or means."

"But poll workers are not allowed to ask the reason" for the challenges, Rozell said. In other words, Republican vote challengers are free to use foreclosure lists as a basis for disqualifying otherwise eligible voters.

David Lagstein, head organizer with the Michigan Association of Community Organizations for Reform Now (ACORN), described the plans of the Macomb GOP as "crazy."

"You would think they would think, 'This is going to look too heartless,'" said Lagstein, whose group has registered 200,000 new voters statewide this year and also runs a foreclosure avoidance program. "The Republican-led state Senate has not moved on the anti-predatory lending bill for over a year and yet [Republicans] have time to prey on those who have fallen victim to foreclosure to suppress the vote."

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Correction: This article has been amended to reflect the fact that Doug Preisse informed Michigan Messenger that he did not "state or imply" that he had not ruled out challenges "due to foreclosure related address issues," as originally reported.

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