

May 8, 2024

Gregory J. Haanstad,
U.S. Attorney for the Eastern District of Wisconsin
517 E. Wisconsin Ave., Ste 530
Milwaukee, WI 53202
via email at NSchmaltz@usa.doj.gov

Dear U.S. Attorney Haanstad:

I write on behalf of Souls to the Polls to urge you to investigate the acts of Republican Party officials and Trump campaign operatives on Election Day 2020. Recent reporting in the *Milwaukee Journal Sentinel*¹ shows that Andrew Iverson, now the Executive Director of the Wisconsin Republican Party, and Carlton Huffman, a former Republican Party operative and Strategic Initiative Director for Trump Victory, made plans to overwhelm Souls to the Polls, a Black-led nonprofit that provides transportation to voting sites on Election Day. They planned to “[w]reak havoc” by having Trump supporters request rides from Souls to the Polls while wearing MAGA apparel. This, they hoped, would force Souls to the Polls to use its resources driving Trump supporters regardless of whether they needed transportation or planned to vote, thus diverting resources from the individuals Souls to the Polls predominantly assists: Black voters, Latinx voters, elderly voters, low-income voters, and other voters from marginalized communities.

The extent of Iverson and Huffman’s plans and actions during the 2020 election—and whether anyone else was involved—is still unknown. It is crucial that the U.S. Attorney’s Office investigate what happened to ensure it does not happen again this year—or ever.

In this country, the right to vote is sacrosanct. If Iverson, Huffman, and others acted on the plans they made, as publicly reported, they may have violated numerous core federal civil rights laws, as well as Wisconsin law. I outline these potential violations below.

The Ku Klux Klan Act

Section 2 of the Klan Act bans conspiracies to interfere with federal elections. 42 U.S.C. § 1985(3). The Support or Advocacy Clause is violated when two or more individuals conspire to:

¹Daniel Bice, ‘Wreak Havoc’: New GOP Head Urged Staffer to Inundate Black Group with Trump Calls in 2020, MILW. J. SENTINEL, <https://www.jsonline.com/story/news/politics/elections/2024/04/25/wisconsin-gop-head-urged-staffer-to-swarm-black-group-with-trump-calls/73386418007/> (last visited May 7, 2024).

Prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States ... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States.

42 U.S.C. § 1985(3). Under federal law, a civil conspiracy under Section 2 of the Klan Act is an agreement, express or implied, between two or more persons to deprive an individual of their constitutional rights, where at least one individual commits an overt act in furtherance of the agreement. *Wilson v. Giesen*, 956 F.2d 738, 744 (7th Cir. 1992) (internal citations and quotations omitted).

If Iverson and Huffman participated in a plan to intimidate or threaten voters engaging in a lawful activity, related to voting in the presidential election in 2020, they may have violated Section 2 of the Klan Act.

Voting Rights Act

Section 11(b) of the Voting Rights Act provides that “[n]o person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote ...” 52 U.S.C. § 10307(b). Intimidation is defined to include conveying “messages that a reasonable recipient, familiar with the context of the communication, would view as a threat of injury to deter individuals from exercising their right to vote.” *Nat’l Coal. on Black Civic Participation v. Wohl*, 661 F. Supp. 3d 78, 113 (S.D.N.Y. 2023). Attempts to engage in such conduct, even unsuccessful ones, violate this section. *Id.* If Iverson and Huffman attempted to send a message to Souls to the Polls volunteers or other voters that would reasonably have been received as intimidating or threatening, they may have violated Section 11(b) of the VRA.

Civil Rights Act of 1957

Section 131(b) of the Civil Rights Act states that “[n]o person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote.” 52 U.S.C. § 10101(b). Under this section, an attempt to intimidate, threaten, or coerce is prohibited, even if that attempt is ultimately unsuccessful. *Nat’l Coal. on Black Civic*

Participation, 661 F. Supp. 3d at 115. Text messages between Iverson and Huffman show that they intended to flood Souls to the Polls with requests for rides for the purpose of interfering with the rights of others to vote, as those who genuinely rely on Souls to the Polls for transportation to a voting site would be left waiting for or unable to obtain a ride to the polls. Their messages also show that they encouraged participants in the plan to wear apparel showing support for Donald Trump, regardless of—or possibly because of—the effect that would have other voters and/or the Souls to the Polls volunteers who provide transportation.

National Coalition on Black Civil Participation v. Wohl

Recently, a federal court in New York held individuals liable for violations of the Klan Act, Voting Rights Act, and Civil Rights Act for disseminating a threatening robocall to voters in cities with Black neighborhoods, with intent to prevent them from voting by mail. In *National Coalition on Black Civic Participation, et al., v. Wohl, et al.*, 661 F. Supp. 3d 78 (S.D.N.Y. 2023), Defendants conspired to create a robocall to “HIJACK” the election and contact voters in cities with “black neighborhoods,” ultimately disseminating the call to about 85,000 phone numbers nationwide. *Id.* at 125. The call threatened that anyone who voted by mail would face economic, legal, and physical risks. *Id.* at 114. In that case, the court held that Defendants violated Section 2 of the Klan Act, Section 11(b) of the VRA, and Section 131(b) of the CRA. *Id.* at 117, 126, 127. The court reasoned that “Defendants, by broadcasting the Robocall, intimidated or attempted to intimidate others from voting, and caused the Robocall’s recipients to feel intimidated or threatened if they voted by mail, which then impacted the course of action certain individuals took during the 2020 Election.” *Id.* at 117. The court “view[ed] the entire Robocall operation in context,” *id.* at 115, and held it was “plain that [Defendants] sought to disrupt the election,” and “interfere with the right to vote.” *Id.* at 126-27.

Wisconsin Protections

Additionally, Republican Party officials may have violated multiple Wisconsin state laws, including laws prohibiting harassment and election threats. Wisconsin law prohibits harassment and intimidation. Wis. Stat. § 947.013(1m) prohibits individuals “with intent to harass or intimidate another person” from “engag[ing] in a course of conduct or repeatedly commit[ting] acts which harass or intimidate the person and which serve no legitimate purpose.” *Id.* And Wisconsin Statutes § 12.09(2) prohibits individuals from “imped[ing] or prevent[ing] the free exercise of the franchise at an election” by means of “any fraudulent device or contrivance.” *Id.* In addition to the federal statutes discussed above, it is possible that this conduct may have run afoul of these state law protections.



Law Forward Inc.
P.O. Box 326
Madison, WI 53703-0326

As the Ku Klux Klan Act, Voting Rights Act, and Civil Rights Act illustrate, Black voters had to fight for their constitutional right to vote and sufficient protection to safely exercise that right. Voters that Souls to the Polls serves, namely voters from marginalized communities and especially Black voters, still face disproportionate threats of disenfranchisement and greater obstacles to voting than other citizens. Iverson and Huffman's plans to interfere with their right to vote, by flooding Souls to the Polls with fraudulent requests for rides, must be taken seriously and investigated thoroughly.

Sincerely,

/s Chris Donahoe
Chris Donahoe
Staff Counsel

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