

◆ THE GETTYSBURG BATTLEFIELD:

ELECTION DAY 2004

By DOUGLAS SPARKS, TLA-DC MEMBER

George W. Bush recently was inaugurated, but I avoided all media coverage of the ceremonies. I preferred to reflect upon November's election day battle, when I fought alongside a group of TLA-DC volunteers in Adams County, Pennsylvania. Scenes from our defense of Gettysburg remain etched in my mind.

TLA-DC's Band of Brothers

It's late Friday afternoon before E-Day 2004 and an urgent plea flashes across my computer screen. Little more than an hour from our nation's capitol, Pennsylvania Democrats are afraid Bushies will hijack the election. In this battleground state, once confident Kerry workers are anxious about shifting polling locations, missing voter registration cards, and partisan challengers at the polls. Their emailed call to arms seeks volunteer lawyers for an election day road trip to Adams County, PA. Within hours, DC's legal "Band of Brothers" is formed. Work and family commitments will have to wait. We send our reply to Gettysburg's beleaguered defenders: "Help is on the way!"

Adams County, PA

On Sunday, I unfold a map of Pennsylvania and ponder Adams County's curious geography. Bordered on the south by Maryland, it's the only Pennsylvania county lying entirely below the Mason-Dixon line. Perhaps it was gerrymandered long ago. At its center sits Gettysburg, surrounded by oddly named towns such as Two Taverns, Fairplay, Wenksville, Cashtown, and East Berlin. After plotting my route, I study the on-line Pennsylvania elections law primer, then pack for tomorrow's adventure.

Monday evening arrives, and it's already pitch black outside. Driving past eerily silent Civil War battlefields, I spot ancient cannons still guarding Gettysburg's entrances. They're poised strategically behind dirt embankments. Returning home the next day, I'll see them as early warnings of the hand-to-hand political combat to come on the mean streets of Adams County.

Sam (the Hatch Act Man)

Sam is a friendly, talkative, high-strung Italian. He chairs the Adams County Democratic Committee. At 6:30 a.m. on E-Day, he prepares to brief DC's Band of Brothers at the Gettysburg headquarters. Present in the small room are the familiar faces of Trombly, Shadoan, Long, and Feldman. We exchange greetings, and I realize there are no second-stringers here from TLA-DC; only past presidents and board members.

Sam assigns us to potential trouble spots throughout Adams County. Before we depart, however, our leader explains command and control. Sam's cell phone is off limits because it's government issue (thus the Hatch Act prohibits its use for partisan political purposes). As lawyers, we understand that the Hatch Act demands compliance. But this begs the bigger question: Why doesn't the Adams County Democratic chair

have a cell phone of his own? Unphased, Sam offers us two landline numbers to headquarters (neither of which rolls over), and wishes us well. It dawns on me that the Bushies will have technological superiority. But it's too late to worry; the battle has begun.

Big Trouble in Littlestown

After a twenty minute drive from Gettysburg along winding country roads bordered by brightly colored Bush-Cheney billboards, I arrive at my post in Littlestown. The scene has turned ugly. On Main Street, a middle-aged elections official consoles a Kerry volunteer (a retired Littlestown schoolteacher). She weeps in disbelief at insults hurled by passing drivers and Kerry signs destroyed. She had so carefully placed those signs on neutral ground. The compassionate bureaucrat tries to comfort her: "What did you expect to happen in Adams County?" Stunned, she replies, "Are you telling me I don't have free speech just because I live in Adams County?" After an awkward silence, the tears resume as she shakes her head. Tammy's her name. She's Sam's lieutenant in Littlestown, and I seize this moment to introduce myself. I'm here to help her out.

Lone African-American

Before long, a thirty-something African American male, missing several front teeth, pulls his dilapidated bomber to the curb. My first client has arrived. He wants to know whether he can vote in the Presidential election. Why does he ask? Because his driver's license was reinstated (he'd failed to pay parking tickets) only after he registered to vote Republican. At the time, he thought it would speed up reinstatement of his license. In Adams County, where elections judges loudly announce each voter's name and party affiliation within earshot of hovering partisan challengers, he now worries his scheme may backfire. Yet once we arm him with a copy of the "Voter's Bill of Rights," he confidently enters the polling station. Should he encounter problems inside, he knows we're nearby. While he waits to vote, a helpful Kerry volunteer moves his car to a legal parking spot. At least voting won't cost him another parking ticket.

Flagman Rules the Block

In his late 20's, adorned with wooden Bush placards, a billowing American flag, and sharp elbows, he once might have been Littlestown's high school linebacker. Today he strides purposefully back and forth down the narrow sidewalk in front of the Main Street polling station, glaring menacingly at perceived Kerry voters. His brisk step and threatening stare leave little doubt that Democrats had better move aside or face the consequences, such as a slap in the face from his oversized American flag as he marches past.

Incensed by Flagman's aggressiveness, an early morning voter has returned with a video camera and filmed Flagman from a concealed location. With the video hidden under her coat, she now smuggles the evidence to me. I ask local volunteers to gather voter intimidation affidavits to buttress her video, and then present our case to the good Constable. Persuaded by the evidence, he orders Flagman to move on. In light of the swift and impartial justice he's administered, I'll

forgive the good Constable for standing guard (unlawfully) inside the polling station. After all, as he points out, he left his weaponry at home so as to avoid the appearance of voter intimidation.

Confused Manchild

My father would have referred to this poor fellow as simple minded. Forty years old and a first time voter, he needs Mother to decipher his paper ballot. But elections officials have denied his request to have Mother accompany him into the voting booth. Frustrated, he exits the polling station without voting. On the sidewalk nearby, an alert Kerry volunteer notices his crestfallen demeanor, adeptly identifies its source, and escorts him to me for advice. I consult my Pennsylvania election law manual, highlight controlling passages, and advise him to show the highlighted sections to misinformed elections officials. Bravely, he reenters the polling station. Realizing that they should have permitted this man to execute an Affidavit of Disability, the officials relent and allow Mother to tag along. Now, having successfully cast his vote, he reemerges onto the sidewalk wearing a broad smile. We're making progress in Littlestown.

Sumo Man v. Little Old Lady

A very large man bursts into our streetfront Kerry/Edwards outpost (four doors down from the polling station). His angry wife and crewcut, wide-eyed, eight-year-old son trail him. Indignantly, he commands us to surrender the asshole responsible for posting a handwritten sign in the window. To me, the sign seems harmless: "How could anybody vote to re-elect such an incompetent President?" Sumo Man, however, sees it as an impermissible insult to his President. Sumo Man invites the perpetrator to step outside where he's prepared to offer his "answer" to the sign's question.

From her comfortable seat inside the streetfront headquarters, a little old lady observes Sumo Man trying to pick a fight. Time to put him in his place. Slowly easing to her feet, aided by a walker, she follows Sumo Man outside. Old enough to be his mother, she's not about to back down from such a rude boy — especially on this day. Fearlessly, she taunts him, "Don't worry, the sign will be taken down right after Kerry wins the election." Now going toe-to-(prosthetic) toe with Sumo Man, this frail woman sternly orders him to go home and stop making trouble. To my surprise, Sumo Man relents, summons his wife and son and stomps off.

Big Momma

Flagman and Sumo Man have been neutralized, but now Big Momma is causing a commotion. Positioned less than ten feet from the polling station entrance, she lets no voter pass without one of her fluorescent orange flyers in hand. This oversized mother of four has hundreds of copies, all duplicated at her own expense. In bold font, voters are instructed to "SUPPORT OUR TROOPS!! THEY'RE FIGHTING FOR YOU!!!" Packed with statistics of questionable veracity, Big Momma's flyer asserts that over 90% of military personnel in Iraq are voting Bush. The message is clear: patriots vote for Bush; *liberals* vote for Kerry.

Back in the streetfront outpost, Tammy's reaction to Big Momma's flyer is predictable: she bursts into tears. Tammy's

obviously not accustomed to thinking on her feet. Trial lawyers, on the other hand, are trained to turn the tables on their adversaries. Grabbing scissors, tape, paper, and pen, I direct her to cut, paste, and edit Big Momma's propaganda.

The flyer now reads: "SUPPORT OUR TROOPS!! THEY'RE FIGHTING FOR YOU!!! John Kerry is the only candidate who has fought a war for us!!!" Another trip to Kinko's and we're back in business. Big Momma scowls upon noticing the student standing next to her distributing our new and improved version of her flyer to prospective voters. She approaches, complaining that the Kerry folks have impermissibly copied her font. She wants to sue for copyright infringement. Since offering legal advice to Big Momma would create a conflict, I suggest that she contact a Littlestown lawyer. Sorry.

Back to Gettysburg

By mid-afternoon, Littlestown is relatively calm. So after exchanging hugs with my new comrades, I head back to Gettysburg, hoping to link up with other TLA-DC soldiers. The bucolic country drive offers no warning of the chaotic scene awaiting in Gettysburg.

Wow! It's face off time. Hundreds of Democrats and Republicans alike are lined up on opposite sides of the town square. Chanting slogans, brandishing signs, and waving flags, they resemble modern day versions of Civil War armies firing point blank at one another. But is this raucous demonstration furthering our objectives? Shouldn't we be getting voters to the polls? Caught up in the moment, most Kerry supporters shrug off my concerns. They're simply having too much fun. So I move on, accompanied by Victor Long. Together, we unearth a few sympathetic voters who promise they'll head straight to the polls.

Home, Sweet Home

By now, it's 5:00 p.m. There still is time to make it home before the polls close in Montgomery County, MD. Thankfully, I'll be able to vote. Nevertheless, I remain troubled about breaking my promise to Brenna, my eighteen-year-old daughter in her first year at Georgetown. I was supposed to escort Brenna to the polls: the proud father watching as she cast her first vote for President. Now I've missed this rite of passage. Unsure how she feels about my choosing Gettysburg at her expense, I hope she understands. If she passionately fights for a noble cause one day, perhaps I'll believe that I influenced her by my actions this day. Time will tell.

As for TLA-DC's Band of Brothers, we will fight on. Our membership can take pride knowing that the only battleground state Bush lost was Pennsylvania. Next time, maybe we should go to Ohio.

