

Texas man faces 40 years in prison for voting while on parole

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In a case of calculated political savagery, the state of Texas has arrested a 62-year-old African American man for allegedly voting illegally last year. The Republican administration of Governor Greg Abbott is bringing charges that could put Hervis Earl Rogers in prison for the rest of his life. Rogers was held on \$100,000 bail for three days, until the nonprofit Bail Project posted bail and secured his release.

State Attorney General Ken Paxton ordered Rogers arrested Wednesday and charged him with two counts of felony illegal voting for casting ballots in the March 2020 Democratic primary and the 2018 general election, at a time when he was still on parole from a 1995 conviction for burglary. Each count carries a prison sentence of up to 20 years, and as a “repeat offender” Rogers could face even more jail time.

Rogers was celebrated in the media last year for his determination to vote in the Democratic presidential primary, when he waited in line for seven hours at a Houston polling place at Texas Southern University. He gave interviews to both CNN and a local television station, explaining that he had considered giving up and going home but stayed to do his civic duty.

In what has been described as “forum shopping,” the state attorney general brought charges against Rogers not in Harris County, where he lives and voted, but in neighboring Montgomery County, which is 90 percent white. Harris County, which includes Houston, is majority nonwhite.

According to his attorneys from the American Civil Liberties Union of Texas, Rogers served a prison term for burglary, was paroled in 2004, worked and raised a family until his parole (very lengthy under the barbaric judicial system of Texas) was discharged in June 2020.

There is no indication that Rogers had any idea that he was not allowed to vote, as indicated by his

conversations with reporters while he was the “last man in line” at the polls in March 2020. Texas law requires that the parolee “knowingly” vote illegally, which his attorneys argued meant he should not have been charged.

“The arrest and prosecution of Mr. Rogers should alarm all Texans,” said Andre Segura, the legal director of the Texas ACLU, in a statement. “He waited in line for over six hours to vote to fulfill what he believed to be his civic duty and is now locked up on a bail amount that most people could not afford. He faces potentially decades in jail. Our laws should not intimidate people from voting by increasing the risk of prosecution for, at worst, innocent mistakes.”

Attorney General Paxton, who is spearheading the prosecution, wrote on Twitter: “Hervis is a felon rightly barred from voting under TX law.” He boasted, “I prosecute voter fraud everywhere we find it!”

All indications are that it is Paxton, not Hervis Rogers, who should be behind bars. The state attorney general was indicted in 2015 by a grand jury on charges of felony securities fraud for pushing technology stocks to a group of investors without disclosing his own financial interests and failing to register with state regulators.

The case has been tied up in legal disputes over where it should be tried and how much to pay the special prosecutors. In the meantime, Paxton has run out the clock through nearly two terms in office.

Paxton is also under investigation by the state bar association for professional misconduct because of his leading role in filing baseless lawsuits after the 2020 presidential election, seeking to overturn the victory of Democrat Joe Biden.

Besides the obvious purpose of intimidating poor and minority voters and scaring them away from the ballot

box, Paxton has timed the charges in this case for definite political reasons. Rogers was arrested on Wednesday, July 7, one day before the opening of a special session of the Texas state legislature summoned by Governor Greg Abbott to enact new restrictions on the right to vote, in the name of “election security.”

Both houses of the Republican-controlled state legislature took their first steps to advance the legislation over the weekend, with a House committee approving the bill Saturday and a Senate committee doing the same on Sunday. The legislation is likely to be passed by each house later this week.

The main provisions of the bill are aimed at outlawing and criminalizing efforts by Harris County officials last year to provide easier access to voting for working people in that county, the most populous in Texas. The bill would ban 24-hour voting, voting at drive-through facilities and the unsolicited mailing of applications for absentee ballots. The latter were used by millions in the last election because of concerns over the coronavirus pandemic.

Election officials who violated the new law would be subject to felony charges and long prison sentences. They would also be barred from interfering with efforts by partisan “poll watchers” to intimidate voters or disrupt balloting. Republican poll watchers have frequently engaged in baseless challenges to voter participation in heavily Democratic, particularly minority, areas.

The agenda for the special session includes a laundry list of ultra-right issues in addition to the new voting rules. Governor Abbott is seeking to ban the teaching of critical race theory in public schools, restrict “morning after” abortion pills, ban transgender students competing in high school sports, bar “censorship” of right-wing voices by social media, and provide state funds to complete sections of Trump’s border wall.

The Texas law on “election security” promotes the fiction of widespread “vote fraud” embraced by fascistic elements in the Republican Party, above all former President Donald Trump, to explain his lopsided defeat in the 2020 presidential election. Since that defeat, Republican-controlled state legislators have gone on a rampage, introducing nearly 400 laws in 48 states to restrict voter access. Twenty-four of these have already been passed and signed into law.

An earlier version of the Texas law was blocked in

May when Democrats walked out at the end of the regular session, depriving the legislature of the necessary quorum. Abbott responded by vetoing the payment of salaries for either state legislators or their staff, and then called the special session.

According to a report in the *New York Times*, citing the thinking of the Democratic leaders in the state legislature, even this comparatively minor disruptive tactic will not be employed this time, in favor of an effort to pass amendments that might make the antidemocratic legislation slightly less vicious.

The state Democrats were said to be appealing to the Biden administration to push through a federal law overturning such state restrictions, although the White House has largely dropped the issue, offering only a \$25 million campaign by the Democratic National Committee to “educate” voters on how to comply with the new ballot restrictions.

There is widespread popular opposition to the new restrictions, demonstrated by the hundreds who sought to testify against them at the state legislative hearings on the weekend. Republican state legislators, challenged to produce any evidence of vote fraud in Texas, acknowledged that they had none.

Out of 11 million votes cast in Texas last year, fraud charges are pending against 44 defendants, most of them individuals like Hervis Rogers who voted when they were supposedly not entitled to do so. Not a single case involves widespread fraud or ballot-stuffing on the scale that would be required to change the outcome of an election.



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