

# Arizona judge reverses ruling that allowed fascists to intimidate voters at ballot drop boxes

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Under the immediate threat of reversal by the Ninth Circuit Court of Appeals, right-wing Arizona Federal Judge Michael Liburdi discarded his own ruling of last Friday that fascists have a First Amendment right to stake out ballot drop boxes and intimidate voters.

Liburdi held a second evidentiary hearing on Tuesday and announced from the bench that he would enter a temporary restraining order against Clean Elections, USA, its principal Melody Jennings and the “John Does” whom Jennings coordinates at Arizona ballot drop boxes.

The following restrictions now apply to the vigilante drop box watchers:

Stay at least 75 feet away from drop boxes

Do not follow people using drop boxes

- Do not speak to people using drop boxes unless spoken to first

- Do not openly carry firearms or wear body armor within 250 feet of a drop box

In addition, Jennings is required to post on her Clean Elections, USA website: “It is not always illegal to deposit multiple ballots in a ballot drop box. It is legal to deposit the ballot of a family member, household member, or person for whom you are the caregiver.”

The lawyers were instructed to notify the Ninth Circuit immediately so that Liburdi would not be reversed. The Arizona Alliance for Retired Americans, which filed the initial lawsuit, also formally withdrew its request to the Court of Appeals for an emergency injunction.

There is no way to know whether Liburdi received back channel communications from the Ninth Circuit that his outrageous embrace of “camo clad” armed drop box watchers, widely condemned in the mainstream

media, was an embarrassment he had to rectify.

Regardless, Liburdi used a second lawsuit filed by the staid League of Women’s Voters of Arizona to justify the second hearing, which lasted several hours.

One notable witness, who testified anonymously to avoid retaliation, broke down on the witness stand as he described 10 individuals “terrifying” his wife at the Mesa drop box, east of Phoenix. The fascists filmed the couple and screamed that they were “hunting mules.” The man’s photo was posted online. Jennings later boasted on the podcast of fascist Stephen Bannon that they had caught a mule and “blasted it out viral.”

“Mule” is a reference to the discredited Dinesh D’Souza propaganda film *2000 Mules* that purports to extrapolate from anonymous cell phone tracking data a pattern of about 2,000 paid “mules” stuffing drop boxes in battleground states in 2020 with enough illegal ballots to steal the election from Trump.

Arizona has a particularly competitive race for US Senate and could determine which party will be in control for the last two years of Biden’s term. The Republican candidates for governor, secretary of state and attorney general deny the legitimacy of Biden’s election and vow to make changes that will prevent future Republican electoral defeats.

The US Department of Justice filed a friend of the court brief stating the obvious: “The First Amendment does not protect individuals’ right to assemble to engage in voter intimidation or coercion. Nor does it transform an unlawful activity for one individual—voter intimidation—into a permissible activity simply because multiple individuals have assembled to engage in it.”

Rather than siding with the fascists, as he did in the earlier ruling, Liburdi stated, “It is imperative we

balance the defendants' right to engage in First Amendment protected activity with the plaintiffs' right to act without intimidation or harassment.”

Pinny Sheoran, speaking for the League of Women Voters of Arizona, called the reversal “a victory for the voters of Arizona who have the right to cast their ballots free from intimidation, threats, or coercion.”



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