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Voting Rights in America

Two Centuries of Struggle

3rd Edition



By Bruce Hartford

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Voting Rights in America *Two Centuries of Struggle*

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NOTE

This brief time-line describes an American history of oppression, persecution, and discrimination in regards to voting rights. But in all of the events described here, those affected were not submissive or passive victims, — rather they fought for their rights with whatever means they had.

Similarly, much of this short summary consists of legislative and legal milestones. But those laws and court cases were the direct result of popular struggles and mass political pressure. Legislators did not enact civil rights laws out of altruistic benevolence, nor did magnanimous judges rule against discrimination from the goodness of their hearts. It was *We the People* who forced them to do so.

The stories of the struggles and resistance that resulted in the milestones presented here would (and does) fill books. A single pamphlet cannot document the details of those battles, but it is crucial to remember that from every act of oppression grew a dozen forms of resistance. And every victorious milestone on Freedom Road was achieved with blood, sweat, and tears.

Introduction

The two main issues addressed by the southern Freedom Movement of the 1960s were ending the “Jim Crow” system of segregation and winning the right to vote for African-Americans in the South — and nonwhites nationwide.

But the Civil Rights Movement of the 1960s did not spontaneously spring up out of nowhere, nor did it disappear when its work was “done.” Rather, the Freedom Movement was but one episode in a centuries-long struggle for human rights civic dignity that continues to this day. It was a movement that grew out of what came before and evolved

into the struggles being waged today. Nothing illustrates this better than the centuries-long battle for voting rights.

Voting Rights Milestones 1776-1982

In essence, the struggle for voting rights in America over the past two centuries has been, and continues to be a two-part battle. The first part was to win citizenship rights for people of color and legal rights for women. The second part was to win voting rights for all citizens regardless of gender, race, economic status, or national origin.

1776: Abigail Adams asks the Continental Congress to support women's rights.

Her husband John Adams ridicules her request and vows to fight the, "*Despotism of the petticoat.*"

1776-1828: The struggle to remove religious restrictions.

Between the first Continental Congress in 1776 and adoption of the U.S. Constitution in 1787 the former colonies evolve into states, some of which bar Jews, Quakers, Catholics, and other "heretics," from voting or holding office.

- The 1778 Constitution of South Carolina, for example, states that "No person shall be eligible to sit in the house of representatives unless he be of the Protestant religion."
- The 1776 Delaware Constitution states that: "Every person who shall be chosen a member of either house, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall... also make and subscribe the following declaration, to wit: I, A B. do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration."

When the new United States Constitution is adopted in 1787, Article VI prohibits religion restrictions by stating: "... but no religious test shall ever be required as a qualification to any

office or public trust under the United States.” Yet struggles to remove the pre-existing religious bars continue through the early 1800s, with Maryland, the last holdout, not extending voting rights to Jews until 1828.

1787: U.S. Constitution adopted.

In the debates over adopting the U.S. Constitution there are bitter arguments over who should be allowed to vote.

The slave-states insist that only white males be allowed to vote, yet they simultaneously demand that their Black slaves be counted when calculating how many members each state is entitled to in the House of Representatives. In order to gain agreement from slave holders, the new Constitution specifies that 3/5ths (60%) of the slaves in each state will be counted when apportioning seats in the House.

The Constitutional Convention cannot agree on any national voting-rights standard so they leave it up to each individual state. This results in an absurd system whereby the federal government determines who can be a citizen for the nation as a whole, but each individual state determines which of their citizens have the right to vote.

Most of the states decree that only white males are eligible to vote, and most of them limit the vote to white males who own a certain amount of property. In other words, if you are a renter, an apprentice, reside on your employer’s land, or are homeless, you can’t vote. Since only a small minority of white males own enough property to qualify, the great majority of the population is denied access to the ballot box. By some estimates, less than 10% of the total population are eligible to vote in the election of 1800.

Under the original Constitution adopted in 1787, the only federal office anyone can directly vote for is House of Representatives because the President and VP are elected by the Electoral College and senators are appointed by state governments. Though today senators are now directly elected, we still cannot directly vote for President, which is why Bush-II occupied the White House in 2000 even though

Gore received 500,000 more votes and Trump took power 2016 after losing to Clinton by 2,800,000 votes.

1777-1807: Women lose the right to vote in all states.

The states of New York, Massachusetts, New Hampshire, and New Jersey which had previously allowed women to vote rescind those rights. After 1807 no state allows women to vote.

1777-1821: Free men of color lose their right to vote.

Those few states that had allowed free men of color and property to vote rescind that right — Maryland in 1802, New Jersey in 1807, Connecticut in 1814, New York in 1821.

1790: Citizenship limited to “whites.”

The 1790 Naturalization Law explicitly states that only “free white” immigrants can become naturalized citizens. Since “white” is understood as pure European ancestry, this effectively prevents immigrants from anywhere else (and mixed-race immigrants) from becoming citizens.

And under the myth that Native-Americans are “citizens” of their “sovereign” Indian “nations” (meaning the reservations), they cannot be citizens of the United States. Therefore, they cannot vote.

1788-1856: Struggle to remove property restrictions.

For 68 years there are struggles and movements in the various states to remove property restrictions on the right to vote. These battles are often bitter and sometimes violent.

1820-1865: Abolition movement to end slavery.

The first African slaves are brought to North American in 1619 (a year before the arrival of the *Mayflower*). Resistance begins immediately with intermittent slave uprisings and frequent escapes. Often the escaped slaves join Indian tribes in their fight to defend tribal homelands against white encroachment and expansion of the slave system.

Political opposition to slavery among whites in the northern states begins to coalesce in the early 1820s. With the founding of the American Anti-Slave Society in 1833 a broad interracial movement committed to ending slavery emerges — openly in the northern states, clandestinely in the south. This Abolition Movement grows in size and intensity. It is met with increasingly violent opposition from slave-holders and slave states. Abolitionists are arrested, beaten, and murdered, their homes are burned, and their presses destroyed.

Within the Abolition Movement bitter disagreements regarding the future of freed slaves erupt. Some favor full citizenship including the right to vote, others advocate some form of 2nd-class citizenship without voting rights. Many want to expel the freed slaves and send them “back” to Africa, though, of course, by this time the vast majority of slaves have been born in America. The “colonizers” form the American Colonization Society which sends 20,000 former slaves to Africa where they seize land from the inhabitants and carve out the nation of Liberia.

1836: Texas denies vote to Mexicans.

After revolting from Mexico in 1836, the short-lived Republic of Texas denies both citizenship and the right to own property to anyone who had not supported the revolution. All non-anglos are assumed to be part of that category — even those who had fought *for* the revolution.

When Texas is admitted to the union as a slave-state in 1845, the Mexicans remaining in Texas are granted U.S. citizenship and property-rights by the federal government — in theory. But Mexican-Americans who try to vote face widespread beatings, burnings, and lynchings, except in cases where large landowners force their employees to vote as a group under supervision of their foremen who ensure that they all vote for the owner’s preferred candidates.

1848: Mexican-Americans are denied voting rights in the southwest.

Under the Treaty of Guadalupe Hidalgo which ends the Mexican-American war in 1848, Mexicans who remain in the new territories conquered by the U.S. are supposed to become full U.S. citizens according to legislation that congress is supposed to pass.

For California, that legislation takes the form of admitting it to the union as a state in 1850. While now technically U.S. citizens, Mexican-American males are denied the vote through violence and state “voter eligibility” laws as they are in Texas.

The territories of Arizona and New Mexico are not admitted to the union as states until 1912. During the 64 years between the signing of the treaty and statehood, Mexican-Americans in those territories are held in a kind of non-citizen legal limbo without voting rights. During this period, legislators, judges, and sheriffs elected entirely and only by Anglos ruthlessly use their power to strip land and water rights from Mexican and Native-Americans.

1848-1920: Women’s Suffrage movement.

In 1848 the first Women’s Rights Convention is held in Seneca Falls, NY. It demands that women be granted all rights as full citizens including the right to vote. It also demands equality with men before the law in education employment, property rights, divorce and child custody.

For the next 72 years, women — and some male supporters — speak out, petition, lobby, sue, protest, march, and engage in civil-disobedience for the right to vote. They brave beatings, mob attacks, rape, jail, seizure and destruction of property, forced-divorce (and consequent loss of children), forced-feeding of hunger strikers, and murder, to fight for their right to be full voting citizens.

1850: Asian immigration.

With the California gold rush, Asian immigration becomes significant for the first time, mostly in the West. Under the

“whites-only” clause of the 1790 Naturalization Law, Asian immigrants cannot be citizens — but what about their children born in America? Government officials try to avoid this “problem” by preventing Asian women from coming ashore. Many are sent back, but some avoid detection and manage to get off the ship. And some Asian men marry women of other races — some of whom are citizens — what happens when their boys reach age 21?

1856: Property restrictions finally removed.

The last state to finally eliminate the property qualification is North Carolina in 1856.

1861-1865: Civil War and Emancipation.

The struggle against slavery leads to bloody Civil War. 360,000 Union soldiers — Black and white — die to defeat slavery. This represents 130 out of every 10,000 persons in the Northern states. (For comparison, deaths in the Vietnam War numbered 3 out of every 10,000.)

The Emancipation Proclamation of 1863 and the 13th Amendment in 1865 eventually end slavery as a legal concept (though the actual treatment of sharecroppers, tenant farmers, and plantation laborers continues to resemble slavery in all but the legal formalities).

1867: 14th Amendment extends citizenship to Blacks.

The 14th Amendment requires all states to recognize all males born in the United States as full voting citizens — regardless of race. This creates the principle of *birthright citizenship*. For the first time, however, women of all races are explicitly excluded in the Constitution from voting.

1868: Women petition that woman suffrage be included in the draft 15th Amendment.

The men of congress deny their petition.

1870: 15th Amendment extends vote to African-Americans.

Adoption of the 15th Amendment in 1870 extends voting rights to Black males — in theory.

In reality, there is massive resistance to the intent of the 15th Amendment in the former slave states and elsewhere. Violence, economic reprisal, and legal formalities are used to prevent Black men from voting.

The 15th Amendment does not apply to Native-Americans or Asians because they cannot be citizens. Similarly, it does not apply to Mexican-Americans in New Mexico and Arizona because those territories have not yet been admitted as states. While legally eligible to vote in Texas and California, Mexican-Americans are still denied the vote through violence, economic retaliation, and various legal stratagems.

1867-1877: Reconstruction.

During the Reconstruction Era, hundreds of thousands of Black men risk their lives and property to vote and many are elected to office. For a short period in the late 1860s African-American voters outnumber whites in the states of the former Confederacy.

1877: End of Reconstruction, betrayal of African-Americans.

Because of widespread cheating on both sides, the vote-count and outcome of the 1876 presidential election between Hayes the Republican and Tilden the Democrat is bitterly disputed — particularly in the state of Florida. In the end, all disputed counts are resolved by a special committee appointed by Congress. Republicans outnumber Democrats on the committee by 8 to 7. All disputes are decided in favor of the Republicans by a party-line vote of 8 to 7. Though most impartial observers believe that Tilden won the popular vote, Hayes is declared the winner.

It is widely understood, however, that a back-room deal with the Democrats who represent the overwhelming majority of white voters in the South. In return for the Democrats accepting Hayes' victory, the Republicans promise that Hayes will:

1. Remove the troops and officials who have been providing at least some limited protection for Blacks in the South.

2. Cease enforcing the 15th Amendment and other civil rights laws.
3. That a *Posse Comitatus Act* will be enacted into law preventing the U.S. Army from engaging in any kind of domestic law enforcement — such as fighting the Ku Klux Klan (KKK).

This deal becomes known as the *Compromise of 1877*. The so-called “compromise” being that the Republicans retain power in Washington while white-supremacists throughout the country are given free reign to oppress and persecute non-whites.

After Hayes takes office:

- *Reign of terror*. The KKK and similar terrorist groups increase their attacks against African-Americans. Blacks are expelled from office and those who try to vote are fired from their jobs, evicted from their homes, beaten, and in many cases brutally lynched. Black property owners are burned out, Black businesses destroyed, entire African-American towns are wiped out.
- *Legal disenfranchisement*. New state constitutions and laws are passed to nullify the 15th Amendment. Among the new legal barriers to Black voting rights are the so-called “literacy tests” that make it impossible for non-whites to register and “Grandfather-clauses” that restrict voting rights to those men whose grandfathers had been eligible to vote — a requirement that the descendants of slaves cannot meet.

Mississippi Governor James Vardaman forthrightly explains it, “*There is no use to equivocate or lie about the matter, Mississippi’s constitutional convention of 1890 was held for no other purpose than to eliminate the nigger from politics.*”

- *Poll taxes*. Many states impose taxes on voting. Anyone — Black or white — who cannot afford to pay the tax cannot vote. Since the taxes are high and have to be paid

in cash, voting is thus limited to affluent white males. In effect, this restores a property requirement for voting.

- *Segregation laws.* Laws mandating separation of the races in education, government services, public facilities and accommodations, restrooms, transportation, drinking fountains, and so on, are passed throughout the South and Midwest. Known as the “Jim Crow” system, their goal is to force African-Americans into feudal semi-slavery. Blacks who resist are beaten, jailed, and murdered. Similar systems are imposed in Western states against Latinos, Native-Americans, and Asians.

Within a few years, Black men in the South are removed from the voter registration rolls and denied the right to vote. All African-Americans who hold elected office are driven out. In Louisiana, for example, by 1900 fewer than 5,000 African-Americans are registered to vote, down from a high of 130,000 before the so-called Compromise of 1877.

1870-1923: Asians denied citizenship.

The Naturalization Act of 1870 amends the 1790 Naturalization Law to limit citizenship to “white persons and persons of African descent.” Thus the ban barring Asian and Latino immigrants from becoming naturalized citizens is continued.

But the wave of Asian immigration to California and other Western states continues to undermine the “whites only” goal, particularly in regards to children who are born in the United States and thus (presumptively) American citizens under the 14th Amendment’s birthright provision.

In 1898 the Supreme Court confirms that children of Asians who are born in the United States are automatically citizens. In response, politicians and much of the press decry and rail against a “yellow peril” that they claim threatens white America. A series of “exclusion acts,” such as the Chinese Exclusion Act of 1882, are enacted over the following years. Court rulings and “gentlemen’s agreements” are put in

place to limit (or prevent altogether) any further immigration by Asians.

As with African-Americans, Latinos, and Indians, violence, lynching, and economic retaliation are used to prevent Asians from voting or exercising their civil rights.

1878: Woman Suffrage Amendment introduced in congress.

It does not pass. It takes another 42 years of courageous struggle before it is eventually passed and ratified in 1920.

1890-1920: Some states grant women the right to vote.

First Wyoming, then Utah, Colorado, Idaho, Washington, and California extend voting rights to women. Other states follow.

1913: 17th Amendment requires direct popular election of senators.

After decades of political demand and public pressure from the Populist Movement, a constitutional amendment is passed requiring direct election of senators by the people rather than senators being appointed by state governments.

1920: 19th Amendment grants voting rights to women.

After an epic 72-year struggle, women finally win the right to vote. But prejudice and discrimination against women candidates and office-holders continues into modern times.

1924: Native-American citizenship.

Congress passes legislation extending United States citizenship to all Indians born in the United States. Many states continue to deny Native-Americans the right to vote using legal fictions, violence, and economic retaliation like those used to deny the vote to Blacks, Latinos, and Asians.

1942-1952: Asian citizenship rights.

In order to strengthen the U.S. military during WWII, Filipinos in both the United States and the Philippine Islands are declared to be American citizens in 1942. This makes them eligible for the military draft. (In 1946, with the

war won, this citizenship declaration is revoked by the Recision Act in order to deny Filipinos their veteran benefits, voting rights, and of course citizenship.)

To strengthen the WWII alliance with China, the Chinese Exclusion Acts are overturned in 1943.

In 1946, the exclusion acts against immigrants from the Indian subcontinent are repealed. In 1952 all remaining Asian exclusion acts are replaced by the immigration “quota system” that allows for some Asian immigration but greatly favors European immigrants.

1944: White-only primaries ruled unconstitutional.

Out of fury at their defeat by the hated Yankees in the Civil War, rage at Emancipation of their Black slaves, and loathing for Lincoln (a Republican), southern whites refuse to vote for any Republican for any office — ever. Thus the “Solid South” comes into being — only Democrats can be elected. White southerners proudly declare themselves “Yellow-dog Democrats,” meaning that if the Democratic Party nominates a yellow dog for office they will vote for the dog before they vote for a Republican candidate.

In practical terms, the “Solid South” means that the real election is the Democratic primary because the Democrat who wins the nomination inevitably wins the general election. In many southern states, the white-controlled Democratic Party decrees that only whites can vote in the Democratic primary. This effectively disenfranchises the very few Blacks who have somehow managed to register to vote because they are prevented from voting in the only elections that have any meaning.

In 1944, NAACP attorney Thurgood Marshall wins *Smith v. Allwright* in the U.S. Supreme Court which rules that all-white primary elections are unconstitutional. State officials in the South, however, devise ways of nullifying and circumventing the ruling so that Black participation in primary elections continues to be severely limited.

1945-1960: GIs fight for civil rights.

During WWII, one out of every eight American GIs is an African-American. Latinos and Native-Americans also make up significant portions of the armed forces which are organized on a segregated basis. When they return from the battlefields they demand that all American citizens have the right to vote regardless of race. They had fought and died for democracy abroad, yet they don't have it at home.

On local, state, and federal levels GIs fight against the laws, customs, and abuses that deny them the vote and other civil rights. Before WWII, the NAACP numbers around 50,000 members, in the post-war years it swells to over 500,000.

But the racists who hold economic power and political office are too strong. Most legislative remedies are blocked by Senate filibuster and few court cases are successful. For the most part, GI efforts are defeated and suppressed. Many servicemen who had fought to free Europe from Nazi tyranny find themselves imprisoned for demanding the right to vote, and others are viciously murdered — in some cases by police or sheriffs.

Yet despite a wave of repression, they do manage to eliminate the poll tax in all but 5 states. And in 1948 the armed forces are de-segregated. GIs returning from the Korean War also take up the civil rights struggle.

1948: State laws denying the vote to Indians are overturned.

In one of the post-war period's few successful legal challenges, the federal courts overturn the last state laws (Maine, Arizona, New Mexico) designed to prevent Native-Americans from voting. But violence, economic retaliation, and different kinds of legal tricks continue to be used.

1951: Assassination of Harry & Harriette Moore

In the late 1940s and early 50s, Harry Moore and his wife Harriette are leaders of the NAACP and Progressive Voters League of Florida. They crisscross the state encouraging and organizing African-Americans to become registered voters. They manage to register over 100,000 voters,

increasing Black registration from 5% to 31% of those eligible. Their slogan is "*A Voteless Citizen is a Voiceless Citizen.*" On Christmas Eve, 1951, a bomb explodes under their bedroom killing them both. Though it is widely known that the KKK planted the bomb, no one is ever charged in their murder. The number African-American voters goes into steep decline as terrorism takes its toll, particularly in rural areas.

1951-1956: Tackling segregation & voting rights.

In the early 1950s, a number of school desegregation cases are filed in the federal courts by courageous students and parents who risk life and property by opposing the segregation system. In 1954 these cases are consolidated and won with the Supreme Court's *Brown v. Board of Education* decision.

In 1955 and '56 African-Americans opposed to segregation boycott the city busses in Montgomery Alabama and Tallahassee Florida. These successful boycotts mark significant victories against segregation in the deep south.

Hundreds of voting-rights lawsuits are filed in state and federal courts. Most are either defeated, or if won they are left unenforced. But Citizenship Schools, voter education projects, and "*I'm a registered voter — Are you?*" campaigns begin to proliferate among African-Americans at the grass-roots level across the South.

1956-1965: The battle for the ballot continues.

With the explosion of the direct-action phase of the Civil Rights Movement — sit-ins, freedom rides, marches, boycotts — voting rights and segregation emerge as two central issues, intertwined and inseparable.

Participatory direct-action organizations such as CORE, SCLC, and SNCC take the fight for voting rights and desegregation into the deepest depths of the racist South — Mississippi, Alabama, Louisiana, and Southwest Georgia. The slogan becomes "*One Man, One Vote,*" and instead of lawsuits the strategy is to organize people at the grass-roots

to directly challenge and defy the entire “whites-only” system by demanding an end to segregation and the right to vote, face-to-face, county-by-county, state-by-state.

Opposition by the KKK and White Citizens Councils is fierce and ruthless. Law-enforcement — from the cop on the beat to FBI Headquarters in Washington — mobilizes to defend the established order of white-supremacy.

Tens of thousands of would-be voters are fired or evicted. Entire tent cities are set up to house share-croppers thrown off their land for trying to register to vote. Hundreds, then thousands are jailed. Beatings, burnings, and economic retaliation are wide-spread. Opposition to civil-rights is orchestrated by political and business elites determined to maintain a feudal economic and political system of exploitation and oppression.

The roll call of those killed in action grows longer:

Rev. George Wesley Lee, Humphreys County MS. 1955
Lamar Smith, Brookhaven MS. 1955
Herbert Lee, Liberty MS. 1961
Medgar Evers, Jackson MS. 1963
Louis Allen, Amite County MS. 1964
James Chaney, Neshoba County MS. 1964
Michael Schwerner, Neshoba County MS. 1964
Andrew Goodman, Neshoba County MS. 1964
Wayne Yancey, Marshall County MS. 1964
Jimmy Lee Jackson, Marion AL. 1965
Rev. James Reeb, Selma AL. 1965
Viola Liuzzo, Lowndes County AL. 1965
Jonathan Daniels, Haneyville AL. 1965
Michael Robinson, LA. 1965
Others unknown and unacknowledged

The Freedom Movement soldiers on. We bury our dead and weep for our wounded but we won't turn back. The Movement explodes in Albany, Americus, Baton Rouge, Birmingham, Bogalusa, Cambridge, Canton, Chapel Hill, Charlotte, Danville, Fayette Co, Gadsden, Gainesville, Greenwood, Greensboro, Hattiesburg, Jackson, McComb,

Monroe, Montgomery, Nashville, New Orleans, Rock Hill, Ruleville, St. Augustine, Selma, Shreveport, Tallahassee, and a thousand other towns and hamlets. It is a mass Movement of people rather than lawyers or lobbyists.

1964: 24th Amendment ends poll taxes.

The 24th Amendment prohibits poll taxes in federal elections.

1964-1965: Freedom Summer, Selma, and the March to Montgomery.

During the “Freedom Summer” of 1964, close to a thousand civil rights workers of all races and backgrounds from across the country converge on Mississippi to support voting rights and confront segregation. This is followed in August by the Mississippi Freedom Democratic Party’s challenge to the whites-only Mississippi delegation at the Democratic convention in Atlantic City. The self-evident justice of that challenge is ignored by party leaders like Johnson and Humphrey — the MFDP challenge is rejected.

A few months later, mass protests and marches erupt again in Selma Alabama. Thousands of African-Americans put their lives on the line by attempting to register to vote. They are met with savage violence from police and Klan. They face beatings, gassing, and jailings. Mass marches in Selma, Montgomery, Demopolis, Marion, Camden and elsewhere are viciously attacked. Jimmy Lee Jackson, Rev. James Reeb, Viola Luizzo, and Jonathan Daniels are murdered. But the people refuse to back down and the movement grows as thousands of Americans from all walks of life come to Selma in support. More than 25,000 people — of all races — march to the Statehouse in Montgomery Alabama, the “cradle of the Confederacy.”

1965: Passage of Voting Rights Act.

It takes 57 days of mass protests in the streets of Washington and parliamentary struggle on the Senate floor and to break the filibuster by Southern senators determined to block passage of the Voting Rights Act (VRA). For just

the second time in history, a filibuster on a civil-rights issue is defeated on a bitterly divided vote. The Act, which protects voting rights to all nonwhites, is passed.

Though in some respects weaker than what had been hoped for, among other provisions the VRA:

- Outlaws phony voting requirements — such as “literacy tests” — designed to deny the vote to people based on their race.
- Authorizes the federal government to take over registration of voters in areas where local officials have consistently denied voting rights to non-whites.
- Establishes that fluency in English cannot be made a requirement for voting eligibility.
- Requires that states and counties with proven histories of denying the vote to nonwhites obtain prior approval (preclearance) from the Justice Department before enacting new voting-related laws or rules.

1966: Voting Rights Act takes effect.

By the end of 1965, some 250,000 new Black voters have been registered in the South. By the end of 1966, only 4 out of the 13 southern states have fewer than 50 percent of African-Americans registered to vote. Over the following years, Black registration in Alabama grows more than ten-fold, from 50,000 in 1960 to more than 500,000 in 1990. And by 1990, the number of southern Black legislators has risen from 2 to 160 — an increase of 8000%.

But though the legal barriers to voter registration are weakened or overturned by the VRA, terror and economic retaliation continue for some years against citizens-of-color who try to register to vote, particularly Blacks in the South and Latinos and Native-Americans in the Southwest. The Movement continues the fight with the long Meredith Mississippi March Against Fear in 1966, and direct-action campaigns in towns such as Grenada and Natchez MS and Bogalusa LA.

1966: Poll taxes outlawed in state elections.

The Supreme Court finally rules that the use of poll taxes in state elections violates the equal protection clause of the 14th Amendment to the Constitution. The last remaining poll taxes are eliminated.

1970: 26th Amendment lowers voting age to 18.

Faced with widespread protests against the Vietnam war and growing resistance to the military draft, the voting age is lowered to equal the draft age. (Anti-war protests and draft resistance continue.)

1975: VRA is expanded to include language minorities.

The Act is expanded to protect the voting rights of “language minorities” (people whose primary language is not English). Based on the determination that voting discrimination against language minorities, “*is pervasive and national in scope,*” provisions are added to ensure that non-English-speaking citizens are not denied their voting rights. Voting materials and assistance in languages other than English now have to be provided wherever needed.

1982: Voting Rights Act is Strengthened.

Section 2 of the VRA is significantly expanded to make it easier to sue states and localities who violate voting rights. People no longer need to prove that the law or practice they are challenging is *deliberately* discriminatory. Now they need only prove it has a discriminatory *effect*.

President Ronald Reagan supports the strengthened act and enthusiastically signs it saying, “*The right to vote is the crown jewel of American liberties, and we will not see its luster diminished.*” This marks the high tide of Republican support for the Voting Rights Act — and for voting rights in general.

A Fundamental Victory ~ A New Threat

Prior to the VRA, the deepest purpose of gender- and race-based denial of voting rights had been to exclude women and

nonwhites from the kind of political power inherent in the constitutional concept of "*We the people*."

So long as women and the Native-American, African-American, Latino, and Asian populations were prevented from voting they remained permanently marginalized and subservient to male and/or white America, confined in perpetuity to be subservient dependants or the *hewers of wood and drawers of water* for their betters.

Men held legal power over women, whites held legal power over nonwhites. Without the vote, they had no political power and no influence over the laws and policies that affected their lives. Without the vote they little recourse for redress of grievances. Without the vote they were easily subject to injustice and exploitation.

The 19th Amendment granting woman suffrage in 1920 was the capstone of a decades-long battle against the systematic disenfranchisement of an entire gender. The Voting Rights Act of 1965 overturning race-based denial of voting rights was the capstone of a decades-long battle against the systematic disenfranchisement of entire populations defined by race. Each was a decisive victory over broad systems of political, economic, social, and psychological oppression. Each was the crowning achievement of a broad mass peoples' movement.

The Republican Party turns against voting rights.

In the later part of the 20th Century, a new, politically-partisan assault on voting rights arises. The GoP begins adopting "wedge-issue" strategies of polarizing the electorate by politicizing control over women's bodies, fomenting race hatred, attacking nonwhite immigrants, and demonizing gays.

Where once many white southerners hated the Republican Party as the "party of Lincoln," after the 1960s they come to loathe (or are convinced to loathe) the Democratic Party as the party of "civil rights" and Black empowerment. Republicans adopt a "southern strategy" of winning

elections by subtly (or not so subtly) appealing to attitudes of white-supremacy — first in the South and then across broad reaches of the country. Today in 2018, the GOP has entirely replaced the old Dixiecrat machine as the dominant party of white-supremacy.

Republican wedge-issue strategies prove effective in mobilizing white and religious-fundamentalist voters for Republican candidates and ballot propositions. But they deeply offend voters of color, liberals, secular women, the poor, college youth, and the LGBT community.

In 1994, for example, Republican Governor Pete Wilson of California wins reelection by demonizing Spanish-speaking immigrants and supporting the racist and unconstitutional Proposition 187. By doing so, he profoundly alienates the Latino population for decades to come.

Back in 1956, almost 40% of Blacks voted for Eisenhower, a Republican. Today in 2018, African-American support for GoP candidates average less than 10% — in part due to their positions on a host of economic and social issues and in part due to their racist campaign tactics such as bashing “welfare queens,” TV ads like the infamous “Willie Horton” commercial, and using “law and order” as a code-word cudgel targeting African-Americans.

Rather than adopt less divisive and more inclusive politics, the Republican response to their steadily shrinking support outside of their white/male base is to suppress the voting rights, election turnout, and electoral power of groups likely to vote Democratic — particularly people of color, young people, and the poor. (As one Republican operative forthrightly explained, *“Registering the poor to vote is like handing out burglary tools to criminals.”*)

Voter suppression proves effective. When elections are decided by narrow margins even a slight reduction in the number of Democratic voters able to cast ballots ensures a Republican victory.

The Voter-fraud fraud

Before the 1960s, the rationale and justification for broadly denying voting rights to people of color was: “They’re not real Americans, and they’re not capable of voting intelligently, so they don’t deserve to vote.” After the Voting Rights Act, Republicans adopt a new rationale to justify their systematic disenfranchising of individuals likely to vote Democratic — the false claim of *voter fraud*.

Without any substantive evidence, Republicans and their media enablers allege that large numbers of people (particularly non-citizen immigrants) use false identification to vote illegally. And that more and more restrictive voter ID requirements and voting list purges are needed to solve this nonexistent problem.

Yet after herculean effort, in 2004 the Bush-II administration files less than 100 election fraud complaints out of 80,500 criminal cases (.001%). Similarly, in 2014, out of a billion votes cast, intense investigation finds only 31 credible instances of a voter intentionally impersonating another voter. Which is exactly what you would expect because organizing and enabling enough people to swing an election by voter impersonation is logistically difficult, expensive, and impossible to keep secret.

Actual election fraud does, of course, exist in the counting of ballots by officials, rigging of machines by political operatives, and illegally denying people the right to vote — to say nothing of campaign finance law violations. But Republicans show little interest in combating those crimes.

2000 & 2004: Black disenfranchisement in Florida.

Immediately prior to the election of 2000, Jeb Bush the Republican Governor of Florida — and brother of Republican Presidential candidate George Bush — hires a private consulting firm long associated with the Republican party to purge the Florida voting rolls of “ineligible” voters.

African-Americans strongly favor the Democratic candidate Al Gore. They are only 11% of the Florida population but

44% of the 58,000 purged voters are Black. When they arrive at the polls on election day they are told they cannot vote. This denial of African-American voting rights is the direct cause of George Bush's supposed 537 vote "victory" in Florida. It is this phony "win" (plus the votes of the 5 Republican appointees on the Supreme Court) that make him President even though Gore receives 500,000 more votes nationwide than Bush.

According to a report issued by the U.S. Commission on Civil Rights:

- Widespread voter disenfranchisement — rather than the dead-heat contest — was the extraordinary feature in the Florida election.
- Violations of the VRA occurred in Florida and there was widespread denial of voting rights.
- Black voters were nearly 10 times more likely than non-Black voters to have their ballots rejected.
- The state's highest officials responsible for ensuring fairness in the election failed to fulfill their responsibilities and were subsequently unwilling to take responsibility.

Had tens of thousands of African-American voters not been illegally denied their right to vote, Democratic candidate Al Gore would certainly have carried the state by a comfortable margin. That would have made him President and there would have been no Iraq War.

Similarly, just before the 2004 presidential election, another 48,000 Florida voters are purged. Again, almost half of them are African-American while almost none are Hispanic because Cuban-Americans are reliable Republican voters in that state.

2008, 2012: Obama Elections.

In both 2008 and 2012, Republicans increase their efforts to disenfranchise and suppress the vote of traditionally Democratic groups. In battle-ground states such as Ohio,

Florida, North Carolina, Michigan, Wisconsin, and elsewhere, new restrictive voter-ID laws are enacted by Republican-controlled state governments. Republican voting officials purge registration lists in ways that disproportionately target Democratic constituencies and set up barriers to voter registration drives. Republican political operators engage in dirty tricks and outright frauds designed to confuse and deceive Democratic voters.

Race is the essential subtext of white opposition to Obama. In 2012, Obama runs behind his Republican opponent in *every single* white demographic category, even those who had previously supported Democrats such as Catholics, seniors, and white women. Yet despite Republican efforts to suppress Democratic votes and Obama's failure to win a majority of even one white demographic group, his message of hope and change inspires enough new, young, nonwhite, and previously-alienated voters to give him a solid victory.

2013: Weakening the Voting Rights Act.

In 2013, the five Supreme Court justices appointed by Republican presidents vote in *Shelby County v. Holder* to cripple sections 4 and 5 of the VRA. The four Democratic justices dissent. Taken together, sections 4 and 5 require that states and counties with long, proven histories of race-based denial of voting rights require Justice Department (DoJ) approval for any changes in their voter registration and balloting procedures.

Within 24 hours, Texas implements new voter ID rules that had been blocked by the DoJ. An estimated 600,000 Black and Latino voters are disenfranchised. Mississippi and Alabama quickly follow Texas' lead. Within two months, North Carolina passes new voter ID laws, curtails early voting, eliminates same-day registration, prohibits counties from extending voting hours so that employees have more time to vote after their workday ends, and blocks the kind of annual voter-registration drives conducted by African-American churches and the NAACP.

Technically, the *Shelby* decision only applies to a handful of states and a few counties, but the Court's decision is widely seen as a signal by the five Republican justices that their decisions in future voting and election cases will be driven by partisan politics rather than ensuring fair and free elections. Republican-controlled state governments across the country immediately begin enacting a wide range of laws, regulations, and practices aimed at voters likely to support Democratic candidates.

2016: Voter suppression and foreign sabotage

In 2008 and 2012, Obama proved that an electoral coalition of nonwhites, inspired youth, the poor, secular women, and environmentalist defenders, can defeat Republican "wedge issue" strategies and deliver the White House to a Democrat.

In response, the GOP intensifies its efforts to suppress Democratic turnout. With the VRA weakened by the Supreme Court, Republican state legislatures continue to enact highly-partisan voting restrictions. By 2016, some 14 states have harsh new voting laws in place. Regarding North Carolina's new laws, a federal appeals court notes that in regards to the "voter fraud" claim, *"Although the new provisions target African Americans with almost surgical precision, they constitute inapt remedies for the problems assuredly justifying them and, in fact, impose cures for problems that did not exist."*

In reference to a Wisconsin voter-ID law, a federal judge notes that 9 percent of all registered voters do not have the required ID and that Black voters are 50 percent more likely than whites to lack such IDs because they are less likely to drive or be able to afford the documents required to get a current ID. Most college IDs are not accepted under the law, only 3 of the 13 four-year schools in the University of Wisconsin system have acceptable IDs.

The 2016 battle between Clinton and Trump is the most bitterly contested presidential election of the 21st Century. It is also the first national campaign in 50 years without the

full protection of the Voting Rights Act. Partisan voter suppression efforts in states controlled by the Republican Party are an order of magnitude greater than anything ever seen before. Clinton wins the popular vote by 2.8 million, but Trump wins the Electoral College (and thus the presidency) by capturing three states won by Obama — Michigan, Pennsylvania, and Wisconsin.

A Clinton win in just two of those three swing states would put her in the White House. Trump's margin of victory in those three states is so small that many election observers believe that it is voter suppression and/or Russian interference on his behalf that hand him the presidency.

"There's no doubt that these election changes affected the turnout among young voters, first-time voters, voters of color, and other members of the Obama coalition that overwhelmingly supported Hillary Clinton," concludes a Democratic campaign official.

After the election in January of 2017, the CIA, FBI, and National Security Agency jointly report that the Russian government conducted a sophisticated campaign to influence the election with the dual aims of damaging Hillary Clinton's presidential campaign and undermining the U.S. democratic process. *"Putin and the Russian government developed a clear preference for President-elect Trump,"* they state.

Many people believe that the Trump campaign conspired and colluded with the Russians for that purpose. Russian agents are known to have also targeted election computer systems in at least 18 states. Yet Republicans in Congress do everything in their power to *prevent* a thorough and impartial investigation of Russian election subversion.

The Shape of Modern Voter Suppression

The fiercely contested midterm elections of 2018 expose the full shape and breadth of Republican efforts to suppress Democratic voters and gerrymander the results. Voters in

almost half the states face new restrictions imposed since Obama won in 2008. Some examples include:

Voter registration barriers.

It's well known that white Republicans are more likely to self-register themselves to vote than are nonwhite Democrats — in part because it's easier for them to take time off work to go down to the courthouse. The Republican-controlled Texas and Florida legislatures enact laws that severely restrict the ability of political parties, civic associations, churches, and activist groups to engage in voter registration drives. A new North Carolina law prohibits groups such as the NAACP and churches from paying people to work on voter registration drives. National voter-organizations such as the League of Women Voters and Project Vote are forced to cease work in those state.

At the time of the 2018 midterms, there are at least 3 million eligible Latino and Black citizens in Texas who are not registered to vote. Beto O'Rourke, the Democratic senate candidate has strong support from nonwhite voters. He is defeated by 219,000 votes out of 8,300,000 cast. Most observers conclude that if just a tenth of the unregistered nonwhite voters had been able to vote he would have won.

Voter purges

Some Republican-controlled states remove many nonwhite, poor, and student citizens from voter lists using highly questionable purge techniques specifically designed to target Democratic constituencies. Nationwide almost 16 million voters are stricken from the voting rolls between 2014 and 2018 — often without any notice at all.

In Georgia, for example, Brian Kemp the Republican Secretary of State — who is himself a candidate for governor in a very tight race — oversees his own election. He uses both "Purge by Postcard" and "Exact Match" strategies to remove predominantly poor and nonwhite voters from the rolls.

Purge by Postcard. Prior to the 2018 election he sends a postcard to voters who had not voted in previous elections — the kind of postcard that is easily mistaken for junk mail. Voters who fail to fill out the card and return it to him are purged without being informed that they have lost their right to vote. Detailed studies reveal that at least 340,000 Georgia voters are incorrectly disenfranchised by this system. Statistically, it's known that poor and nonwhite voters are more likely to be caught by this trick than affluent and white voters.

Exact Match. At his urging, Georgia enacts a law requiring that the hand-written information that voters fill out on their registration form exactly match existing state records in every single detail. To check that match, state employees read information on the form and type it into a computer system. If the voter — *or the typist* — makes an error of omitting a middle initial, misspelling an unusual name or street address, or misplacing a hyphen, the voter's registration is rejected by the computer. Prior to the 2018 vote, an estimated 53,000 voters are purged using this method. Some 70% of them are African-American even though Blacks comprise only 32% of the state's population.

Kemp who is white goes on to defeat Stacey Abrams, his Black opponent by 58,000 votes out of almost 4 million cast. Had poor and nonwhite voters not been disenfranchised by Purge by Postcard and Exact Match, Abrams would almost certainly have won.

Felon disenfranchisement

The United States imprisons a higher proportion of its people than any other industrialized nation. From the time of Reagan's inauguration in 1981 (followed by the Republican Party's "wedge issue" strategies of demonizing nonwhites as criminals), America's incarceration rate has increased by 252%. Nonwhites and the poor are far more likely to be sent to prison than whites or the affluent.

Once ex-convicts are released from prison they are expected to obey all laws and pay their taxes, yet many states

permanently bar them from voting for the legislators and ballot propositions that make those laws and the sheriffs and judges who enforce them. Nationwide as of 2016, more than 6 million citizens — 2.5% of the voting age population — are not allowed to vote because of a prior criminal conviction. This practice disenfranchises more than 7% of African-Americans yet less than 2% of whites.

In Florida, the worst example of felon disenfranchisement, an estimated 1.6 million ex-convicts cannot vote. That amounts to 10% of the total statewide population and a whopping 21% of Florida's African-Americans. In 2018, the Republican candidate for Senate defeats the Democrat by 12,000 votes and the white Republican candidate for governor defeats an African American candidate by 34,000 votes — both out of more than 8.1 million cast. Had nonwhite felons not been disproportionately disenfranchised, both the Democratic candidates would probably have won.

Voter ID Laws

After *Shelby County v. Holder* weakens the VRA, Republicans in a number of states quickly pass laws requiring voters to present a photo-IDs before they can cast their ballots. The partisan nature of the ID requirements is often blatant. For example, Texas law includes concealed carry gun permits as a valid form of voter-ID, but not university student ID cards. Statistically, those who carry concealed weapons are more likely to be NRA members and vote Republican than are college youth who even in Texas tend to favor Democrats.

In most cases, however, the partisan nature of vote ID laws is simply inherent in demographic realities because they disproportionately impact those who are more likely to vote for Democrats. For example, they discourage voting by the elderly and poor who are less likely to own a car or possess a valid drivers license and often cannot afford the cost of the alternate photo ID options offered. By some estimates, while 10% of all Americans do not have the required IDs,

15% of low-income voters don't, 18% of seniors do not, and 25% of African-Americans don't.

Most of these voter ID states now require a birth certificate and proof of residence at a particular address to obtain a drivers license. Older African-Americans born in the Jim Crow South were often never issued a birth certificate and some never had their birth officially recorded at all. The poor who might from time to time be homeless on the streets are frequently unable to provide utility bills, apartment leases or other proofs of residence acceptable to state officials. Nor can many students who are housed in dorms, or move frequently, or who "crash" with friends.

Suppressing voter turn out.

Most democratic nations hold elections on Sundays or holidays when people with jobs can more easily vote. That's not the case in America. Voting precincts are based on where you live, not where you work. While some states require employers to grant hourly-wage workers time off to vote, most don't which means such folk have to make it from work to their polling station before it closes. In some states the polls close at 6pm making it physically impossible for employees with long commutes to vote.

After the *Shelby* ruling, states and counties with Republican election officials begin reducing the number of polling places in nonwhite and working class areas. In one Black-majority county in Georgia in 2018, officials attempted to close seven of the nine precincts. Fewer voting locations inevitably results in longer lines at the remaining locations and it's well known that long lines before and after work discourage voting. Similar restrictions and reductions are imposed on early voting. As a result, in 2018 many voters are forced to travel long distances and wait for hours in order to cast their ballots.

In those southern states that do allow early voting on Sundays, African-American churches have traditionally organized *souls to the polls* events in which Black churchgoers go to vote together after services. In 2012,

almost 39% of North Carolina's early voters and 34% of same-day registrants were Black. Prior to the 2018 election, that state eliminated same-day registration and Sunday voting. As intended, these and other steps taken by the Republican-controlled legislature put a brake on African-American participation.

Blocking student voters

Young people face a future dominated by global warming, shrinking job opportunities, and skyrocketing college tuition. So they tend to vote for Democrats or anti-establishment candidates. Republican operatives and legislators are well aware of that reality and act accordingly. State voter ID laws, for example, often won't accept a college ID card, instead they require an in-state driver's license which urban students often neither have nor need. Or they require a utility bill or apartment lease as proof of residency which those living in dormitories cannot provide.

Many colleges are located in small and medium sized towns that lean conservative, so local power-structures prefer that those young citizens vote in their parent's home district where they can't affect local races. Yet it's local ordinances, taxes, and police practices that directly affect their lives, so most students prefer to register and vote where they are actually living and working for most of the year — which is often made difficult by county officials. In one small Texas town, for example, just before the 2018 vote Republican officials switch the voting precinct for half the students at a historically Black college to prevent them from voting in a Republican-held district. When a Democratic campaign staffer tries to challenge the change, he is arrested on trumped up charges.

Tricks, deceit & manipulation.

Political "dirty tricks" are increasingly being used by both parties to suppress voter turnout of those who tend to favor the other side. Examples include false notification that polling places have been changed, directing voters to phony email or web addresses where they can supposedly vote

online, conducting voter-registration drives and then failing to turn in the forms of voters who registered for the opposing party, mass-mailings of counterfeit absentee ballots with false return addresses, and so on.

Back in 2012, Heidi Heitkamp, a Democrat, won a close Senate race in North Dakota by less than 3,000 votes. Strong support from Native-Americans gave her the margin of victory. The dirt roads and trails on Indian reservations have no names, and the dwellings, trailers, and RVs where tribe members reside have no numbers, so for generations they have picked up their mail at the post office or traditional trading post.

State tax agencies, the IRS, Social Security, VA, and other government agencies have never had a problem with that. But after Heitkamp's 2012 win, Republicans enact a new voter ID law requiring street names and house numbers, so that Indians cannot use their drivers licenses as voter ID — yet whites can. Heitkamp is defeated in her reelection effort.

Gerrymandering.

The boundaries of legislative districts are usually redrawn every 10 years after the Census, most recently in 2010. "Gerrymandering" refers to the dominant political party drawing district boundaries to favor their candidates, cripple their opponents, and circumvent the will of the electorate.

After the 2010 Census, the Republican Party launches "Project Redmap" and then "Redmap 2020" to take control of legislatures in states where partisan politics govern how districts are drawn. Using \$30 million in dark money, they flip close to 1,000 seats in state government from Democrat to Republican. Those Republican-controlled legislatures then use their power to draw nakedly partisan congressional and state districts.

Project Redmap is successful. In 2012, for example, Democratic candidates for the House of Representatives

received 1.1 million *more votes* than the Republicans — but the GOP nets 33 *more seats* than the Democrats.

In 2018, Republican gerrymandering still rules the electoral map, favoring Republicans, harming Democrats, and thwarting the will of the voters. For example:

- In Wisconsin, Democratic candidates for state assembly win 54% of the total vote but end up with only 37% of the seats — Republicans lose the votes but keep control.
- Two other heavily gerrymandered states are Ohio and North Carolina. In those states the 2018 popular congressional vote for the House of Representatives is split roughly 50-50 but the Republicans walk away with 75% of the seats in both states.

Immigration reform and path to citizenship.

As of 2016 there are roughly 11 million unauthorized immigrants living and working in the U.S. They comprise a bit over 3% of the population and the great majority of them work and pay taxes while raising their families here. Most of them are nonwhite. Few are criminals.

For years there have been political movements and proposed legislation to provide a path for undocumented workers to become citizens (and, therefore, voters). The common wisdom is that if these millions were eligible to vote, most of them would vote Democratic.

It is no surprise then that the Republican Party consistently and adamantly blocks all efforts towards allowing any of them to become voting citizens. They claim they want to “protect American jobs” yet they enthusiastically support government regulations, policies, and tax incentives that encourage corporations to transfer jobs out of the country to low-wage nations. Most unbiased observers conclude that partisan politics and wedge-issue incitement are the real reason they oppose any path to citizenship for those they deem “illegal.”

Tomorrow: The fight to have our votes count.

In the 19th and 20th Centuries we fought to expand the right to vote. That struggle continues.

In the 21st Century, however, we must also fight to have our votes count for something. Not the right to have our votes *counted* — though as we've seen in Florida and elsewhere that too may be a crucial issue — but rather the right to have our votes *mean something*.

- **The best democracy that money can buy.** In *Citizens United v. Federal Election Commission*, the Republican-appointed majority on the Supreme Court decreed in 2010 that unlimited secret funding for political ads and manipulation is a form of constitutionally protected “free speech.” This decision dramatically shifted electoral influence away from parties and political organizations by allowing wealthy individuals and corporations to buy the election results they want with a flood of cash. Huge corporate campaign contributions given directly to candidates or through secretive Political Action Committees (PACs) have become a legally-sanctioned form of bribery.
- **Partisan Disempowerment.** When urban areas under Democratic control enact rent control, minimum wage, or environmental or laws, Republican state legislatures strip from local government the authority to do so. Starting with North Carolina in 2016, Republican-controlled legislatures also strip power from Governors and other state-wide offices when Democrats win those offices. In 2018, for example, after Democrats win the governor and attorney-general races in Wisconsin the Republican controlled legislature enacts 141 pages of new laws stripping those offices of traditional powers and specifically preventing them from carrying out campaign promises around welfare, health care, economic development and voting rights. Republicans in Michigan pass similar laws to cripple incoming Democratic office-holders.

- **Un-elected global government.** As more and more of us have won the right to vote, the power to make critical decisions has been moved out of the hands of elected local, state, and federal officials and into the grasp of un-elected global commissions appointed and controlled by multi-national corporations. Today, many of the vital decisions that affect our lives — decisions on the economy, worker-safety, communications, trade, jobs, environment, privacy, copyrights, and so much more — are being made by world treaty organizations such as the WTO, GATT, NAFTA, TRIPS, FTAA, and so on. Voters have no direct influence on these bodies which debate and decide in secret and issue decrees that cannot be appealed or amended. Their decisions over-ride those made by our elected officials at all levels.

The struggle continues.....



For more information
Civil Rights Movement Veterans website
www.crmvet.org