

# Voting Rights in America

## *Two Centuries of Struggle*

4th Edition



By Bruce Hartford

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By Bruce Hartford

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# Milestones on a Long Road: 1776-1982

## NOTE

This pamphlet outlines an American history of denial, discrimination, and oppression in regard to voting rights.

It also describes how *We the People* resisted by waging a long and still-continuing fight for the ballot. The legislative and legal milestones listed here 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 through political action.*

The stories behind the ballot battles that resulted in the milestones presented here could (and does) fill books. This short pamphlet cannot document the details of those struggles, but it is crucial to remember that every victorious milestone on Freedom Road was achieved by our tears, sweat — and all too often our blood.

## Introduction

The two main issues addressed by the Southern Freedom Movement of the 1950s-60s were ending *Jim Crow* segregation and winning the right to vote for Blacks in the South — and thereby for nonwhites nationwide.

The Civil Rights Movement did not spontaneously spring up out of nowhere, nor did it disappear when its work was done. Rather, it was but one episode in a long struggle for human rights and dignity that continues to this day. It was a movement that grew out of what came before, and evolved into the struggles that came after. Nothing illustrates this better than the centuries-long battle for voting rights.

The very first words of the American Constitution are:  
*We the people ... do ordain and establish this Constitution.*

But who are *We the People*?

Abstract debates aside, as a matter of practical politics those who are eligible to vote are members of *We the People* because they are permitted to exercise a share of political power via the ballot. By the same principle, those who are barred from voting are **not** part of *We the People*.

Though the Declaration of Independence declared on July 4, 1776 that *all men are created equal ... [and] endowed by their creator with certain unalienable rights*, that has never been true in America. Our society was then — and still is — a semi-fluid hierarchy of political and economic power, social position, and cultural privilege, defined by a complex matrix of race, gender, wealth, ethnicity, and other factors.

At the Constitutional Convention of 1787, a fierce political battle erupted over who would have the vote. In essence, it was a fight over who was to be included in *We the People*.

The *radicals* argued for a broad franchise that included all free (white) men. Members of the elite, who were well served by the status-quo, wanted to limit the political power of those who they feared had good reason to be dissatisfied with the way things were — slaves, natives, women, and the non-affluent majority who they sneeringly referred to as “*the mob*.”

Unable to reach agreement, the founders chose not to include a right-to-vote provision in the Constitution, which left the decision of who was eligible to vote up to the individual states. But those who were denied the right to vote wanted to have their voices heard and counted. So they commenced a centuries-long journey for the ballot. We continue to fight that battle to this day.

This long battle for voting rights in America has been an overlapping three-phase struggle:

1. Win citizenship rights for people of color.
2. Win voting rights for all citizens regardless of race, gender, economic status, or ethnicity.

3. Break down barriers erected to prevent eligible voters from actually casting ballots and having them counted.

## **Restricting the Vote: 1776-1820s**

### ***1776: Abigail Adams asks for women's voting rights***

Her husband John Adams ridiculed her request and vowed to fight the "*Despotism of the petticoat.*"

### ***1776-1828: Religious restrictions***

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

- The 1778 Constitution of South Carolina, for example, stated that "*no person shall be eligible to sit in the house of representatives unless he be of the Protestant religion.*"
- The 1776 Delaware Constitution declared:

*"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, 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 was adopted in 1787, Article VI prohibited religious restrictions by stating that "*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 continued through the early 1800s, with Maryland, the last holdout, not extending voting rights to Jews until 1828.

### ***1787: U.S. Constitution adopted***

At the Constitutional Convention of 1787, the debates and negotiations over voting rights were fierce and complex. Intense disagreements arose over who should be allowed to vote — over who would be included in *We the People*.

The slave states insisted that only *white* males be allowed to vote, yet they simultaneously demanded that their Black slaves be counted when calculating how many members each state was entitled to in the House of Representatives. They forced a clause into the new Constitution specifying that three-fifths (60%) of slaves in each state would be counted when apportioning seats in the House — hence the bitterly ironic appellation “*Three-fifths of a man.*”

Yet, despite that concession, the convention was still unable to agree on national voting rules and standards, so they left it up to each individual state. That resulted in a fractured system: the federal government determined who could be a citizen for the nation as a whole, but each individual state determined *which* of their citizens had the right to vote.

### ***1787: Native Americans denied citizenship***

Under the myth that Native Americans were citizens of their *sovereign* Indian *nations* (meaning the reservations), the new federal government decreed that they could not be citizens of the United States. Therefore, they could not vote in U.S. elections.

### ***1788-1856: Struggle to remove property restrictions***

Once the new Constitution went into effect, most states chose to limit the vote to men who owned a certain amount of property. In other words, if you were a renter, an apprentice, a sailor, or you resided on your employer’s land, or you were homeless, you couldn’t vote. Since only a small minority of men owned enough property to qualify, the great majority of the population were denied access to the ballot box. By some estimates, only about 10% of the adult population were eligible to vote in the election of 1800.



For 68 years there were struggles and movements in the various states to remove property restrictions on the right to vote. These battles were often bitter and sometimes violent. The last state to finally eliminate property qualifications was North Carolina in 1856.

### ***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 rescinded those rights. After 1807 no state allowed women to vote.

### ***1790: Citizenship limited to “whites”***

The federal Naturalization Act of 1790 decreed that only *free white* immigrants could become naturalized citizens. Since *white* was understood as pure European ancestry, this effectively prevented all non-European immigrants — and any mixed-race immigrants — from becoming citizens.

### ***1802-1821: Free men of color lose their right to vote***

The few states that had allowed free men of color who owned property to vote rescinded that right — Maryland in 1802, New Jersey in 1807, Connecticut in 1814, New York in 1821.

## **Slavery, Imperialism, and Suffrage: 1820s-1870s**

### ***1820-1865: Abolition Movement to end slavery***

The first African slaves were brought to North America in 1619 (a year before the arrival of the *Mayflower*). Resistance began immediately with intermittent slave uprisings and frequent escapes. Often the escaped slaves joined Indian tribes and fought to defend tribal homelands against white encroachment and expansion of the slave system.

Political opposition to slavery among whites in the northern states began to coalesce in the early 1820s. With the founding of the American Anti-Slave Society in 1833, a broad interracial movement committed to ending it

emerged — openly in the northern states, clandestinely in the South. This *Abolition Movement* grew in size and intensity. It was met with increasingly violent opposition from slaveholders and slave states. Abolitionists were arrested, beaten, and murdered; their homes were burned, and their presses destroyed.

Bitter disagreements over the future of freed slaves erupted within the Abolition Movement. Some favored full citizenship including the right to vote, others advocated some form of second-class citizenship without voting rights. Many wanted to expel the freed slaves and send them *back* to Africa, though, of course, by this time the vast majority of slaves had been born in America. The *colonizers* formed the American Colonization Society, which sent 20,000 former slaves to Africa where they seized land from the inhabitants and carved out the nation of Liberia.

### ***1836: Texas denies vote to Tejanos***

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

When Texas was admitted to the union as a slave-state in 1845, the former Mexicans remaining in Texas (*Tejanos*) were granted U.S. citizenship and property rights by the federal government — in theory. But *Tejanos* who tried to vote faced widespread beatings, burnings, and lynchings — except in cases where large landowners forced their employees to vote as a group under supervision of foremen who ensured that they all voted for the owner's preferred candidates.

### ***1848: Mexican Americans denied voting rights***

Under the Treaty of Guadalupe Hidalgo which ended the Mexican-American War of 1848, Mexicans who remained in the conquered territories were supposed to become full U.S. citizens by legislation that Congress was supposed to pass.

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

The territories of Arizona and New Mexico were not admitted to the union as states until 1912. During the 64 years between the signing of the treaty and statehood, the Chicanos in those territories were held in a kind of non-citizen legal limbo without voting rights. Entire generations were born, grew to adulthood, and died without citizenship or voting rights. During this period, legislators, judges, and sheriffs elected only by Anglos ruthlessly used their power to strip land ownership and water rights from Mexican and Native Americans.

### ***1848-1920: Woman Suffrage Movement***

The first Women's Rights Convention was held in Seneca Falls, New York, in 1848. It demanded that women be granted all rights as full citizens including the right to vote. It also demanded 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 — spoke out, petitioned, lobbied, sued, marched, and engaged in civil disobedience for the right to vote. They endured beatings, mob attacks, rape, jail, seizure and destruction of property, forced-divorce (and consequent loss of children), force-feeding of hunger strikers, and murder, in their fight for their right to be full voting citizens.

### ***1850: Asian immigration***

With the California gold rush, Asian immigration became significant for the first time, mostly in the West. Under the *whites-only* clause of the 1790 Naturalization Act, Asian immigrants could not be citizens — but what about their children born in America? Government officials tried to avoid this problem by barring entry of Asian women. Many

were sent back, but some avoided detection and managed to get off the ships. And some Asian men married women of other races — some of whom were citizens — creating the question of what happens when their boys reach age 21?

## **Civil War and Emancipation: 1861-1865**

The struggle against slavery led to a bloody Civil War. 360,000 Union soldiers — Black and white — died to defeat slavery. This represented 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 people.)

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

### ***1867: 14th Amendment extends citizenship to Blacks***

The 14th Amendment required all states to recognize all males born in the United States as full voting citizens — regardless of race. This created the principle of birthright citizenship. The 14th also required equal treatment under the law for all persons whether they were citizens or not. For the first time, however, women of all races were explicitly excluded in the Constitution from voting.

### ***1868: Women excluded from 15th Amendment***

Women asked that woman suffrage be included in the draft 15th Amendment. The men of Congress refused.

### ***1870: 15th Amendment extends vote to Blacks***

Adoption of the 15th Amendment in 1870 extended voting rights to African American males — in theory.

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

The 15th Amendment did not apply to Native Americans or Asians because they could not be citizens. Similarly, it did not apply to Mexican Americans in New Mexico and Arizona because those territories had not yet been admitted as states. While legally eligible to vote in Texas and California, Mexican-Americans were 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 risked their lives and property to vote and many were elected to office. For a short period in the late 1860s, African American voters outnumbered white voters in some states of the former Confederacy.

### ***1870-1923: Asians denied citizenship***

After passage of the 15th Amendment, the Naturalization Act of 1870 amended the 1790 Naturalization Law to limit citizenship to "*white persons and persons of African descent.*" Meaning that the bar against Asian and Latino immigrants becoming naturalized citizens was continued.

But the wave of Asian immigration to California and other Western states continued to undermine the *whites-only* goal, prompting politicians and the press to rail against a *yellow peril* that they claimed threatened white America.

A series of *exclusion acts*, such as the Chinese Exclusion Act of 1882, were enacted over the following years. Similar exclusion acts were enacted against Japanese and Koreans, Hindus, and Middle-Easterners (meaning Muslims). By the end of the 1800s, legal Asian immigration had been effectively halted, though some Asians managed to circumvent the barriers.

Of great concern to white supremacists were the legal status and voting rights of Asian and mixed-race children born in the United States, who were presumptively American citizens under the 14th Amendment's birthright provision.

To their great fury, the Supreme Court in 1898 confirmed that, indeed, children who were born in the United States are automatically citizens regardless of their race or that of their parents. But as with African Americans, Latinos, and American Indians, violence, lynching, and economic retaliation were used to prevent Asians from actually voting or exercising their civil rights.

## **Post-Reconstruction Era: 1870s to 1940s**

### ***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 were bitterly disputed — particularly in the state of Florida. The disputed issues were all resolved by a committee of eight Republicans and seven Democrats appointed by Congress. They resolved every issue in favor of the GOP by an 8-7 party-line vote. Though most impartial observers believed that Tilden won the popular vote, Hayes was declared the winner.

It was widely understood, however, that there was a back-room deal with the Democrats who represented the overwhelming majority of white voters in the South. In return for the Democrats accepting Hayes as president, Republicans promised that Hayes would:

1. Remove the troops and officials who had been providing at least some limited protection for Blacks in the South.
2. Cease enforcing the 15th Amendment and other civil rights laws.
3. Enact a *Posse Comitatus Act* preventing the U.S. Army from engaging in any kind of domestic law enforcement — such as opposing violence by the Ku Klux Klan (KKK).

This deal became known as the “*Compromise of 1877*,” the so-called compromise being that the GOP retained power in

Washington while white supremacists nationwide were given free rein to oppress and persecute people of color, Catholics, and Jews.

After Hayes took office:

- *Reign of terror.* The KKK and other terrorist groups increased their attacks. African Americans were expelled from office and those who tried to vote were fired from their jobs, evicted from their homes, beaten, and in many cases brutally lynched. Black property owners were burned out, Black businesses destroyed, and entire African American towns wiped out.
- *Legal disenfranchisement.* New state constitutions and laws were passed to nullify the 15th Amendment. Among the new legal barriers to Black voting rights were the so-called *literacy tests* that made it impossible for nonwhites to register and *grandfather clauses* that restricted voting rights to those men whose grandfathers had been eligible to vote — a requirement that the descendants of slaves could not meet.

Mississippi governor James Vardaman forthrightly explained 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."*

John Knox, president of the 1901 Alabama constitutional convention, was equally frank: *"[This] new constitution eliminates the ignorant negro vote, and places the control of our government where God Almighty intended it should be — with the Anglo-Saxon race."*

- *Poll taxes.* Many states imposed taxes on voting. Anyone — Black or white — who could not afford to pay the tax could not vote. Since the taxes were high, and had to be paid in cash, voting was limited to affluent white males. In effect, this restored property requirements for voting.
- *Segregation laws.* Laws mandating separation of the races in education, government services, public facilities and

accommodations, transportation, water fountains, and so on, were passed throughout the South and Midwest. Known as the *Jim Crow* system, the goal was to force African Americans into feudal semi-slavery. Blacks who resisted were beaten, jailed, and murdered. Similar systems were imposed in Western states against Latinos, Native Americans, and Asians.

Within a few years, Black men in the South were removed from the voter registration rolls and denied the right to vote. All African Americans who held elected office were driven out. In Louisiana, for example, before the so-called Compromise of 1877 there were 130,000 African Americans registered to vote. By 1900, after the new state constitution went into effect, there were fewer than 5,000.

### ***1878: Woman Suffrage Amendment introduced***

A Constitutional amendment for woman suffrage was introduced. Congress rejected it. It took 42 more years of courageous struggle before it eventually passed and was ratified in 1920.

### ***1890-1965: Literacy tests***

To this day, white supremacists in both the South and the North consider nonwhites to be *inherently inferior* and therefore both undeserving of, and incapable of, assuming or wielding the rights, duties, and responsibilities of citizenship — such as voting. The 15th Amendment prevented state governments from denying African Americans, Latinos, and Asians the right to vote based on skin color (American Indians were denied the vote because they were not considered citizens). So in the South and some areas of the West, they used *literacy* (or the supposed lack thereof) as a pretext for denying the ballot to nonwhites.

Had they actually thought that literacy was necessary for voters to effectively participate in electoral democracy, they would have established and funded public school systems



that taught everyone to read and write — which they did not do. Not even close.

Instead, they imposed a rigged system of *literacy tests* that were carefully designed to prevent nonwhites from registering to vote. In reality, the literacy tests did little to measure reading ability. Nor were they objective tests. In most places the voter registrars were political appointees who were given wide latitude in how they applied and interpreted the tests. As intended, they allowed most whites to vote while using the *literacy* excuse to deny that privilege to most (or all) nonwhites.

In many locales, white applicants were not given the test at all; in others the registrars allowed illiterate whites to register regardless of how well they performed if, in their sole *opinion*, the white applicant was of *good moral character*. Those same registrars could — and, in fact, did — decree that Black, Brown, and Asian graduates of Ivy League universities were insufficiently *literate* to be allowed to vote.

For more information on the literacy test system and how it was used, see [www.crmvet.org/info/lithome.htm](http://www.crmvet.org/info/lithome.htm).

### ***1891: First use of filibuster to block voting rights***

As a response to southern states revising their constitutions and enacting laws and regulations (such as literacy tests) to suppress the Black vote, President Benjamin Harrison proposed a modest federal law to provide some minimal protection. *“In many parts of our country where the colored population is large the people of that race are by various devices deprived of any effective exercise of their political rights and of many of their civil rights,”*

Senator Joseph Dolph (R-OR) argued for the bill, *“No artifice, no expedient, no fraud, no violence, no disregard of public opinion in the North or of the moral sentiment of the world is going to deter the Solid South from maintaining its supremacy by a suppression of the colored vote.”*

Dixiecrat senators used the filibuster to kill the bill. Since then, for more than a century up to the present day,

filibusters (and even more often the mere threat of a filibuster), have been used to protect racially motivated and partisan state restrictions on voting rights from being overturned or blocked by federal legislation.

### ***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.

### ***1898: Colonial empire, citizenship, & voting rights***

Despite the frenzied *Free Cuba* rhetoric, the real goal and purpose of the Spanish-American War of 1898 was seizure of Spain's island empire in the Pacific and Caribbean. At the end of the war, Cuba, the *Pearl of the Antilles*, was nominally declared self-governing under the *tutelage* of the United States. In reality it became an American external economic colony.

The remaining islands ceded by Spain came under direct U.S. rule as political/economic colonies. The war also became a pretext to annex the Hawaiian Islands, which had been independent until a coup by American plantation owners overthrew Queen Lili'uokalani.

The most significant of these new U.S. territories were the Philippines, Puerto Rico, and Hawaii. But by the racial mores of that era, only a tiny sliver of those living there were considered *white*. Though the territories were possessed and directly governed by the U.S, a series of Supreme Court decisions in the *Insular Cases* ruled that the Constitution did not protect the inhabitants because they were — as one Supreme Court justice so clearly stated in a 1901 ruling — “*an uncivilized race*” that was “*absolutely unfit to receive*” the “*immediate bestowal of citizenship.*”

The Insular Cases established that the citizenship, political, and voting rights of *Unincorporated Territory* inhabitants were matters for Congress to decide through legislation. Congress granted independence to the Philippines after

World War II, and Hawaii was incorporated as a state in 1959. Yet today, five populated territories still remain under congressional control: Puerto Rico, Guam, U.S. Virgin Islands, Northern Marianas, and American Samoa.

These five remaining Unincorporated Territories have varying degrees of self-governance, but none enjoy the full democratic rights accorded to citizens of states. All those living in these territories do have to obey U.S. laws and pay federal taxes; and before active conscription was suspended after the Vietnam War they were subject to the military draft. Yet none of them can vote for president. None are represented in the Senate, though each territory does have one *non-voting* delegate to the House of Representatives. Residents of four of these territories are now legally U.S. citizens. Samoans remain American *nationals* rather than *citizens*.

### ***1913: 17th Amendment requires direct senatorial election***

When the Constitution was adopted in 1787, the only federal office anyone could directly vote for was House of Representatives. The President and VP were elected by the Electoral College (which is why Bush II captured the White House in 2000 even though Gore received 500,000 more votes, and Trump took power in 2016 after losing to Clinton by 2.8 million votes).

Senators were appointed by state governments in a process rife with corruption. After decades of mass political demand and public pressure from the Populist Movement, a constitutional amendment was passed requiring direct election of senators by the people.

### ***1920: 19th Amendment grants voting rights to women***

After an epic 72-year struggle, women finally won the right to vote. But prejudice and discrimination against women candidates and officeholders continued into modern times.

### ***1924: Native-American citizenship***

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

### ***1942-1952: Asian citizenship rights***

In order to bolster the American military after the Japanese attacked Pearl Harbor, Filipinos in both the United States and the Unincorporated Territory of the Philippine Islands were declared American citizens. This made them eligible for the military draft. (In 1946, with the war won, that citizenship declaration was revoked by the Rescission Act. Which meant that Filipinos who had fought in the Philippine Islands were denied their veteran benefits and lost their U.S. citizenship.)

To strengthen the wartime military alliance with China, the Chinese Exclusion Act was repealed in 1943. In 1946, the exclusion acts against immigrants from the Indian subcontinent were repealed. In 1952 all remaining Asian exclusion acts were replaced by the immigration *quota system* that allowed for some Asian immigration but greatly favored European immigrants.

### ***1944: White-only primaries ruled unconstitutional***

Enraged by their defeat at the hands of the hated Yankees in the Civil War, furious at the emancipation of their Black slaves, and filled with loathing for Lincoln (a Republican), for generations most southern whites refused to vote for any GOP candidate for any office — ever. Thus was born the *Solid South*. Since Blacks were denied the vote, only Democrats could be elected. White southerners proudly declared themselves *yellow-dog* Democrats, meaning that if the party nominated a mangy yellow dog for office they would vote for the dog before they'd vote for a Republican.

In practical terms, the Solid South meant that the *real* election was the Democratic primary because whoever won the nomination inevitably won the general election. In many southern states, the white-controlled Democratic Party decreed that only whites could vote in their primary. This effectively disenfranchised the small number of African Americans who had somehow managed to register, because they were prevented from participating in the only elections that mattered. (Republicans allowed the few registered Blacks to vote in GOP primaries.)

In 1944, NAACP attorney Thurgood Marshall argued *Smith v. Allwright* before U.S. Supreme Court, which ruled that all-white primaries in federal elections were unconstitutional. State officials in the South, however, devised schemes to circumvent the *Smith* ruling, so the few Blacks who managed to get on the voting rolls still remained largely shut out.

### ***1945-1960: GIs fight for civil rights***

During WWII, one out of every eight American GIs was African American. Latinos and American Indians also made up significant portions of the armed forces which were organized on a segregated basis. When they returned from the battlefields they demanded that all American citizens have the right to vote regardless of race. They had fought and died for democracy abroad, yet they didn't have it at home.

On local, state, and federal levels, GIs fought against laws, customs, and abuses that denied them the vote and other civil rights. Before WWII, the NAACP had about 50,000 members; in the postwar years it rose to 500,000+.

But the racists who held economic power and political office were too strong. At the federal level, most legislative remedies were blocked by Senate filibuster and few court cases are successful. For the most part, GI efforts were defeated and suppressed. Many servicemen who had fought to free Europe from Nazi tyranny found themselves

imprisoned for demanding the right to vote at home, and others were murdered — in some cases by police or sheriffs.

Yet despite a wave of repression, they did manage to eliminate the state poll tax in all but five states. And in 1948, the armed forces were desegregated. In their turn, GIs returning from the Korean War took up the struggle.

### ***1948: State laws denying Indians the vote are overturned***

In one of the postwar period's few successful legal challenges, the federal courts overturned 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 continued to be used.

## **Civil Rights Movement Era: 1950s-1970s**

The modern Civil Rights Movement era began with the fight for voting rights and the filing of school desegregation cases.

### ***1951: Assassination of Harry & Harriette Moore***

In the late 1940s and early '50s, Harry and Harriette Moore were leaders of the Florida NAACP and Progressive Voters League. They crisscrossed the state encouraging and organizing African Americans to become registered voters. Despite Florida's literacy test and grandfather clause, they managed to register over 100,000 voters, increasing Black registration from 5% to 31% of those eligible. Their slogan was *A Voteless Citizen is a Voiceless Citizen*.

On Christmas Eve 1951, a bomb exploded under their bedroom, killing them both. Though it was widely known that the Ku Klux Klan planted the bomb, no one was ever charged in their murder. The number of Black voters went into steep decline as additional acts of terrorism took their toll, particularly in rural areas.

In the years that followed the Moore's murder, hundreds of voting rights lawsuits were filed in southern state and federal courts. Most were defeated, or if won they were left unenforced. But inspired by the Moores, Citizenship

Schools, voter education projects, and *I'm a registered voter — Are you?* campaigns began to proliferate among African Americans at the grassroots level across the South.

### ***1951-1956: Defying segregation***

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

In 1955 and '56, African Americans opposed to segregation boycotted the city buses in Montgomery, Alabama and Tallahassee, Florida. Those successful boycotts marked significant victories against segregation in the Deep South.

### ***1956-1965: The battle for the ballot continues***

With the explosion of the direct action phase of the Civil Rights Movement in 1960 — boycotts, sit-ins, freedom rides, marches — voting rights and the Jim Crow segregation system emerged as two central issues, intertwined and inseparable.

Participatory direct action organizations such as SNCC, CORE, and SCLC took the fight for voting rights and desegregation into the deepest depths of the racist South — Mississippi, Alabama, Louisiana, the Carolinas, and Georgia. Their slogan became *One Man, One Vote*, and instead of lawsuits their strategy was to organize people at the grassroots 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 was ruthless, fierce, and violent. Law enforcement — from the cop on the beat to FBI Headquarters in Washington DC — mobilized to defend the established order of white supremacy.

Opposition to the African American demand for *freedom* was mobilized and orchestrated by political and business elites determined to maintain a feudal economic and political system of exploitation and oppression. Beatings, burnings, and economic retaliation were widespread. Tens of thousands of would-be voters were fired or evicted. Entire tent cities had to be set up to house sharecroppers thrown off their land for trying to register to vote. Hundreds, then thousands were jailed.

The roll call of those killed in action grew ever longer:

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, rural LA. 1965

Others unknown and unacknowledged

The Freedom Movement soldiered on. We wept for our wounded and mourned our dead, but we refused to turn back. The Movement exploded in Albany, Americus, Baton Rouge, Birmingham, Bogalusa, Cambridge, Canton, Chapel Hill, Charlotte, Danville, Fayette County, Gadsden, Gainesville, Greenwood, Greensboro, Hattiesburg, Jackson, McComb, Monroe, Montgomery, Nashville, New Orleans, Rock Hill, Ruleville, St. Augustine, Selma, Shreveport, Tallahassee, and hundreds of other towns and hamlets. It was a mass movement of people rather than a legal campaign of lawyers and lobbyists.



## ***1964: 24th Amendment ends federal poll taxes***

The 24th Amendment prohibited poll taxes in federal elections.

## ***1964-1965: Freedom Summer, Selma, & March to Montgomery***

During the *Freedom Summer* of 1964, a thousand civil rights workers of all races and backgrounds from across the country converged on Mississippi to support voting rights and confront segregation. But faces with the literacy test and the entrenched opposition of the Mississippi power structure, only 1600 Black voters were added to the rolls.

In August, the Freedom Democratic Party challenged the legitimacy of the whites-only Mississippi delegation to the Democratic convention in Atlantic City. The self-evident justice of that challenge was ignored by party leaders like Johnson & Humphrey — the MFDP challenge was rejected.

Four months later, protests and marches again erupted in Selma, Alabama. Thousands of African Americans put their lives on the line by attempting to register to vote. They were met with savage violence from police and Klan — they faced beatings, gassing, jailings, and murder. Mass marches in Selma, Montgomery, Demopolis, Marion, Camden, and other Alabama communities were viciously attacked. Jimmy Lee Jackson, Rev. James Reeb, and then Viola Liuzzo and Jonathan Daniels were assassinated. But Black Americans refused to back down and the movement grew, as thousands of Americans from all walks of life came to Selma to support them.

More than 30,000 people — of all races — marched to the Statehouse in Montgomery, Alabama, the *Cradle of the Confederacy*. And there, standing on a truck bed in front of the Capitol, Dr. King assured them that “*The arc of the moral universe is long, but it bends towards justice.*”

## ***1965: Passage of Voting Rights Act***

It took 57 days of mass protests in the streets of Washington and parliamentary struggle on the Senate floor to break the filibuster of 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 was defeated on a bitterly divided vote. The act, which protected voting rights to all voters of color, was passed.

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

- Outlawed phony voting requirements — such as literacy tests — designed to deny the vote to people based on their race.
- Authorized the federal government to take over registration of voters in areas where local officials had consistently denied voting rights to nonwhites — not just Blacks, but also Latinos and Native Americans.
- Established that fluency in English could not be made a requirement for voting eligibility.
- Required that states and counties with proven histories of denying the vote to people based on their race 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 had been registered in the South. By the end of 1966, only 4 out of the 13 southern states had less than 50% of their African American's registered. Over the following years, Black registration in Alabama grew more than tenfold, from 50,000 in 1960 to more than 500,000 in 1990. By 1990, the count of southern Black legislators had risen from 2 to 160.

But though the legal barriers to voter registration were overturned or weakened by the VRA, terror and economic retaliation continued for some years against citizens of color who tried to register or cast ballots, particularly Blacks in

the South and Latinos and Native Americans in the Southwest. In 1966, the movement continued the fight with the long Meredith March Against Fear in Mississippi, and direct action campaigns in towns such as Grenada and Natchez, Mississippi and Bogalusa Louisiana.

### ***1966: Poll taxes outlawed in state elections***

The Supreme Court finally ruled that use of poll taxes in state elections violated the equal protection clause of the 14th Amendment to the Constitution. The last remaining *explicit* poll taxes were eliminated.

### ***1970: 26th Amendment lowers voting age to 18***

In response to widespread protests against the Vietnam War and growing resistance to the military draft, the voting age was lowered to equal the draft age. (Anti-war protests and draft resistance continued.)

### ***1975: VRA expanded to include language minorities***

The Voting Rights Act was expanded to protect the voting rights of *language minorities* (people whose primary language was not English). Based on the determination that voting discrimination against language minorities, *was pervasive and national in scope*, provisions were added to ensure that non-English-speaking citizens were not denied their voting rights. Voting materials and language assistance had to be provided where needed.

### ***1982: Voting Rights Act is strengthened***

Section 2 of the VRA was significantly expanded to make it easier to sue states and localities who violated voting rights. People no longer needed to prove that the law or practice they were challenging was *deliberately* discriminatory. Now they needed to only prove it had a discriminatory *effect*.

President Ronald Reagan supported the strengthened act and enthusiastically signed it, stating, "*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 GOP support for voting rights.

## Jim Crow 2.0: The New Struggle

In the 19th and 20th centuries, voting rights were denied to broad population categories based on race, gender, wealth, and ethnicity for the express purpose of completely excluding those groups from the kind of political power inherent in the constitutional concept of *We the People*.

The 19th Amendment, granting woman suffrage, was the capstone of a long and bitter battle against the systematic disenfranchisement of an entire gender. The Voting Rights Act, overturning race-based denial of voting rights, was the capstone of a long and equally bitter battle against the systematic disenfranchisement of entire racially defined populations. Each of those new laws was the crowning achievement of broad, up-from-below, mass movements. Each codified victories over broad systems of political, economic, social, and psychological oppression. Each marked a major milestone on our long march towards freedom, justice, and equality.

Together, passage of the Civil and Voting Rights Acts substantially altered racial dynamics in America. From slavery times until the end of the Jim Crow era, whites used their political and economic power to bar the great majority of nonwhites from ever becoming anything more than the *hewers of wood and drawers of water*. And until the mid-20th century, many parts of the nation still adhered to the words that Chief Justice Taney used to justify slavery:

*“That [People of African descent are] regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect.”*

Without the vote, people of color had no political power, no influence over the laws and policies that affected their lives, and little recourse for redress of grievances. Without the vote they were easily subject to injustice and exploitation.

But once voters of color became able to elect some of their own to some offices and, equally important, to swing local,

statewide, and even national races for or against white candidates, elected officials had to meet with, and at least take into consideration, the concerns of communities of color. Perhaps most significant of all, Blacks, Latinos, and Asians began sitting behind the desks and service windows in government offices, and wearing badges on the streets and in squad cars.

But while hierarchies of race, gender, income, and ethnicity were blurred and narrowed, they were not eliminated. The *haves* of society still sought to maintain the status quo and keep the *have-nots* in their *proper place* by limiting the electoral power of those who might favor social and economic change — particularly voters of color, the poor, and the young. This modern era of disempowerment can be called “*Jim Crow 2.0.*”

## **The Bush-Obama Era: 2000-2016**

After passage of the Voting Rights Act in 1965, Republicans adopted a *southern strategy* of racial division and white grievance. Where once the great majority of white southerners hated the GOP as the *party of Lincoln*, they came to loathe (or were convinced to loathe) the Democratic Party as the party of civil rights and Black empowerment.

Rather than competing for the allegiance of newly enfranchised Black voters, the GOP positioned itself as the defender of traditional racial hierarchy, which they asserted was under unfair and illegitimate assault by undeserving nonwhites seizing privileges and advantages at the expense of whites.

By the late 1990s, the Republican southern strategy had shifted the allegiance of most white voters in the South from the Democratic Party to the GOP. The old *Solid South* of the Democrats and other white-majority areas of rural America became the popular base of a Republican Party that viewed the federal government and *coastal elites* as hated enemies.

More and more states became politically dominated by one or the other party. Based on the colors used by TV news election

maps, people begin referring to states usually controlled by Republicans as “red states.” While “blue states” were those in the Democratic camp. But “blue state” was a misnomer: it wasn’t the state that was blue, but rather the big cities that voted Democratic. For the most part, blue state rural areas were as Republican as red states, but in state-wide and national elections blue state rural voters were outnumbered by the Democratic-leaning urban voters.

After losing the 1994 midterms to a resurgent GOP, President Clinton and the Democratic Leadership Council responded to the loss of their party’s southern base by adopting a *triangulation* strategy, abandoning traditional Democratic Party economic policies for Republican positions that favored reduced social spending, deregulation, globalization, the shifting of unionized factory jobs overseas, and racially targeted *law and order* policies.

Republicans reacted by moving even farther to the right on economic issues, blaming Democrats for the loss of good-paying manufacturing jobs that had been held by many white workers (and also a significant number of nonwhite workers). And they intensified their *wedge-issue* tactics of polarizing the electorate over racial antagonisms, abortion, nonwhite immigrants, and gays.

But those wedge issues deeply offended voters of color, secular women, the poor, college youth, liberals, and the LGBT community, which strengthened the Democratic Party in the urbanized blue states of the North and West — home to a majority of all Americans. Whereas back in the 1950s, 40% of Blacks voted for Eisenhower the GOP candidate, by the 21st century African American support for Republican candidates averaged less than 10%.

The GOP responded to their steadily shrinking support outside of their southern/rural/white/male base by trying to suppress election turnout of groups likely to vote Democratic — particularly people of color and the poor. (As one Republican operative forthrightly explained, “*Registering the poor to vote is like handing out burglary tools to criminals.*”)

Voter suppression proved effective in tight elections. When the victor was decided by a narrow margin, even a slight reduction in the number of Democratic voters able to cast ballots ensured a GOP win.

### ***2000-Present: The voter fraud fraud***

There is a long and sordid history of cheating and fraud in American elections, from the old *tombstone vote*, where the dead and gone somehow managed to vote for the incumbents in election after election, to modern-day instances of voter intimidation, ballot manipulations by voter officials, the rigging of machines by political operatives, and campaign *dirty tricks*. And, of course, violations of campaign finance laws are both widespread and commonly acknowledged.

Back in the Jim Crow era, segregationist *Dixiecrats* justified denying voting rights to people of color by claiming, *They're not real Americans and they're not capable of voting intelligently*.

Today there is a broad, systematic effort by the Republican Party to suppress the vote of those likely to vote for Democrats, which they justify by false claims of widespread *voter fraud* — by which they mean ineligible or unregistered people impersonating legitimate voters, or casting illegitimate ballots, or voting multiple times — for Democrats. They also allege that many of those (imaginary) fraudulent voters are illegal immigrants or nonwhite urban residents paid to vote multiple times by *big-city political machines*.

Yet in one election after another, impartial (and even Republican-led) investigations have concluded that the Republican fraud claims were false. In 2004, for example, out of 80,500 GOP voter fraud allegations, the Bush II administration filed fewer than 100 cases (one-tenth of 1%). Similarly, in 2014, out of more than 81 million ballots cast, multiple investigations found only 31 credible instances of someone intentionally casting an illegal ballot. And in 2022, a new Office of Election Crimes and Security, set up by Republican governor Ron DeSantis to investigate voter



fraud in the 2020 election filed just 17 cases (out of 11.1 million votes cast) against former convicts who had tried to vote after being allowed to register.

Which is exactly what one would expect, because organizing and enabling enough people to swing an election by voter impersonation would be logistically difficult, quite expensive, and impossible to keep secret.

Investigation after investigation, and study after study, have concluded that widespread voter-impersonation fraud does not exist. Yet Republicans and their partisans on Fox News, social media, and internet disinformation sites continue to repeat those false claims in order to justify suppressing Democratic votes through the use of ever more restrictive voter ID requirements, large-scale voting list purges, and manipulating resources and rules to make it harder and less convenient for city-dwellers to vote.

Republican *voter fraud* charges resonate and take root among a significant portion of the GOP base because many of them do not consider nonwhites to be *real* Americans. In their view, only *true* Americans have the right to decide who will be president or be elected to high office. So, by definition, nonwhite Democratic voters are *illegitimate*, and therefore *fraudulent* voters.

### ***2000 & 2004: Black disenfranchisement in Florida***

Immediately prior to the election of 2000, Jeb Bush, the Republican Governor of Florida — and brother of GOP presidential candidate George Bush — claimed widespread voter fraud. He hired a private consulting firm long associated with the GOP to purge the Florida voting rolls of supposedly ineligible voters.

African American voters strongly favored the Democratic candidate Al Gore. Though Blacks comprised only 11% of the total Florida electorate, 44% of the 58,000 voters purged from the rolls by the consultants were Black. When they arrived at the polls they were told they couldn't vote.

The Bush campaign claimed a 537-vote margin of victory in Florida, and the five Republican members of the Supreme Court blocked a recount that might have altered that tiny win. In effect, they appointed Bush to the presidency even though Gore received 500,000 more votes nationwide.

A later court case and investigation by U.S. Civil Rights Commission concluded that thousands of voters were *wrongly purged*, costing Gore at least 4,752 votes — 22 times Bush's supposed 537 vote margin of victory. According to the Civil Rights Commission report:

- *Widespread voter disenfranchisement in violation of the Voting Rights Act — rather than the dead-heat contest — was the extraordinary feature in the Florida election.*
- *Black voters were nearly 10 times more likely than non-Black voters to have their ballots rejected.*

Had thousands of African American voters not been illegally denied their right to vote, Democratic candidate Al Gore would certainly have carried the state and become president. There would have been no Iraq War nor any of the consequences that flowed from it.

Nothing succeeds like success. So just before the 2004 presidential election, another 48,000 Florida voters were purged. Again, almost half of them were African American but almost none were Hispanic, because Cuban Americans were reliable GOP voters in that state.

### **2008 & 2012: The Obama elections**

In 2008 and 2012, Republicans increased their efforts to disenfranchise traditionally Democratic constituencies and suppress their votes. In battleground states such as Ohio, Florida, North Carolina, Michigan, Wisconsin, and elsewhere, new restrictive voter ID laws targeting nonwhite voters and the poor were enacted by GOP-controlled state governments.

As had been done so successfully in Florida, GOP voting officials disproportionately purged the registration lists of

Democrats. They also set up barriers to the kinds of union, church, and nonprofit-based voter registration drives that were most effective in reaching potential Democratic voters.

While those efforts had some success in state and local races, in 2008 the nation turned against the Bush regime's Iraq War and against a Republican Party who they rightly blamed for the deregulation and rampant speculation that led to the subprime mortgage crisis, the Great Recession, and a massive wave of foreclosures, evictions, and resulting homelessness.

Obama won the presidency. But a significant portion of the Republican base rejected that win as *illegitimate* because of the blatantly racist falsehood that Obama was not an American (*birtherism*), false allegations of voter fraud, and for some, the belief that only whites are *true* Americans.

Race was also the essential subtext of white opposition to Obama in 2012. In that election, Obama ran 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 GOP efforts to suppress Democratic votes, his message of hope and change continued to inspire enough new, young, multiracial, and previously alienated voters to give him a solid victory — despite the ever-increasing suppression of nonwhite voters.

### ***2010: The best democracy that money can buy***

In *Citizens United v. Federal Election Commission*, the Republican majority on the Supreme Court decreed in 2010 that unlimited secret *funding* for political campaigns by corporations, Political Action Committees (PACs), and other organizations were constitutionally protected forms of *free speech*.

In essence their ruling meant: *First*, that non-living entities have the same free speech rights as do living people; *Second*, that donating money to others for the purpose of affecting an election is a protected form of free speech; and *Third*, that

such donations can be kept secret. Corporations, PACs, and others were allowed to clandestinely spend unlimited amounts of *dark money* to influence elections.

Said President Obama, “*The Supreme Court reversed a century of law that I believe will open the floodgates for special interests — including foreign corporations — to spend without limit in our elections.*”

The ruling also meant that governments and intelligence services in autocracies like Russia, China, and Saudi Arabia, could use their state-controlled corporations to influence and sabotage American elections — which they began to do.

The *Citizens* ruling dramatically weakened the political influence of traditional political parties and membership organizations by making it easier for wealthy individuals and powerful corporations to buy the election results they wanted with a flood of secret cash. Huge corporate campaign contributions controlled and distributed by secretive PACs have become a legally sanctioned form of political bribery.

### ***2010: Project REDMAP (Gerrymandering)***

The Constitution mandates that boundaries of legislative districts must be redrawn every 10 years after each census. *Gerrymandering* refers to the dominant political party drawing district boundaries to favor their candidates and cripple their opponents to circumvent the will of the electorate.

After the 2010 census, the GOP launched *Project REDMAP* (and then a decade later *REDMAP 2020*). The plan was simple but audacious. Use millions in secret dark money to take control of legislatures in states where partisan politics govern how districts are drawn. Then have those red state legislatures draw nakedly partisan congressional and state districts to ensure their control for the next decade.

*REDMAP* worked. The GOP flipped almost 1,000 seats in state legislatures from Democrat to Republican. When

voters in the newly gerrymandered districts cast their ballots in 2012, Democratic candidates for the House of Representatives received 1.1 million *more votes* than the Republicans — but the GOP took 33 *more seats* than the Democrats. And so it went for the remainder of the decade. For example, in 2018:

- Democrats won 54% of the total vote for state assembly seats in Wisconsin but won only 37% of the seats — Republicans lost the vote but retained the power.
- In Ohio and North Carolina congressional races, the popular vote was split 50-50, but Republicans walked away with 75% of the seats in both states.

### ***2013: Gutting the Voting Rights Act***

In 2013, the five Republican Supreme Court justices voted in *Shelby County v. Holder* to cripple Sections 4 and 5 of the Voting Rights Act (VRA). The four Democratic justices dissented. Those sections required states and counties with long, proven histories of race-based denial of voting rights to obtain Justice Department (DOJ) approval (*preclearance*) for any changes in their voter registration and balloting procedures.

Technically, the *Shelby* decision only applied to a handful of states and a few miscellaneous counties, but the court's decision was widely seen as a signal that the five Republican justices were going to let partisan politics guide their decisions in future voting and election cases. GOP-controlled states across the country immediately began enacting laws, regulations, and practices aimed at reducing the number of likely Democratic voters.

Within 24 hours of *Shelby*, Texas implemented new voter ID rules that the DOJ had been blocking. Their new rules disenfranchised an estimated 600,000 Black and Latino voters. Mississippi and Alabama quickly followed suit.

Within two months, North Carolina passed stringent new voter ID laws, curtailed early voting, eliminated same-day registration, and prohibited counties from extending voting

hours to give employees more time to vote after work. They also blocked voter registration drives conducted by African American churches and the NAACP.

By the presidential election of 2016, some 14 states had enacted harsh new voting laws that would have been blocked before the *Shelby* ruling. Regarding North Carolina's new laws, and the *voter fraud* claims used to justify them, a federal appeals court noted, "*Although the new provisions target African Americans with almost surgical precision, they constitute inapt remedies for the problems allegedly justifying them and, in fact, impose cures for problems that did not exist.*"

## **The Trump Regime: 2016-2020**

The 2016 battle between Trump and Clinton was the most bitterly contested presidential election of the modern era. (In 2020, it was then surpassed in ferocity and vitriol by *Trump versus Biden*.) The 2016 campaign was also the first national election in 50 years without the full protection of the Voting Rights Act. To no one's surprise, partisan voter suppression efforts in states controlled by the Republican Party were greater than anything seen since the Jim Crow era.

Rather than focusing on traditional Republican themes of small government, balanced budget, deregulation, and lower taxes for corporations and the wealthy, Trump's 2016 and 2020 campaigns melded white grievances over a weakening of the old racial order and white nationalism against nonwhite immigrants with authoritarian bullying, aggressive misogyny, pugnacious posturing, braggadocio, sneering disparagement of science and expertise, and overt hostility to government itself — particularly government's role in protecting the civil rights of minorities and defending the disempowered from the depredations of the powerful.

Trump's 2016 campaign, the four years of his regime and then the 2020 campaign, completed a Republican Party takeover by the racial, economic, and political ideologies of the 1950s that had been proclaimed by the White Citizens' Councils and

Dixiecrat politicians like George Wallace and Strom Thurmond. Trump summed up these ideologies with the slogan *Make America Great Again* or simply *MAGA*.

### ***2016: Suppression and sabotage win the White House***

In 2008 and 2012, Obama showed that a Democrat who offered a bold vision of hope and positive change could overcome GOP *wedge-issue* strategies and forge an electoral coalition of voters of color, inspired youth, secular women, the poor, and defenders of the environment, large enough to win the White House.

In 2016, Clinton, the Democratic candidate, won the popular vote by 2.9 million, but Trump, the Republican, won the Electoral College (and thus the presidency) by capturing three states previously won by Obama. Trump won those three states by the slenderest of margins — Pennsylvania by 44,000 (.007 of votes cast), Michigan by 11,000 (.002), and Wisconsin by 2,200 (.0008).

A Democratic win in any two of those three swing states would have put Clinton in the White House. Trump's margin of victory in those three states was so small that many election experts concluded that a combination of Republican voter suppression and Russian sabotage made the difference.

In both Michigan and Wisconsin, those state's new voter ID laws were incorrectly applied, causing voters in Democratic-leaning urban precincts to be improperly turned away.

Wisconsin, which had previously been a high-turnout state, saw its lowest turnout since 2000. Half of that decline was in Milwaukee, a Democratic stronghold with a large number of Black and poor voters. The city went for Clinton by 77%-18%, but 41,000 *fewer* people voted there than in 2012 — a decline far greater than Trump's 2,200 vote margin of victory statewide. Turnout declined sharply in Milwaukee's Black precincts but only slightly in white, middle-class precincts.

In reference to the new Wisconsin voter ID law, a federal judge later noted that while 9% of all registered voters did not have the required ID, Black voters were 50% more likely than whites to lack them because they were less likely to drive or be able to afford the documents required to get an acceptable alternate ID. Similarly, most college IDs were not accepted under the law — only 3 of the 13 campuses of the University of Wisconsin system had ones that were deemed acceptable — so student voters, another Democratic constituency, were disadvantaged.

*“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,”* concluded a Democratic campaign official.

After the election, in January of 2017, the CIA, FBI, and National Security Agency jointly reported that the Russian government conducted a highly 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 declared.

### ***2017-2020: Immigration, citizenship, and the ballot***

At the time of the 2016 election, there were roughly 11 million unauthorized immigrants living and working in the U.S. They comprised about 3% of the total population. Most of them were people of color who worked hard, paid their taxes, and raised their families. Though they were in the country without official papers, they were not *criminals* in the normal meaning of the word.

For years, there had been political movements and proposed legislation to provide a path for undocumented workers to become citizens (and, therefore, voters). The common wisdom was that if those millions were eligible to vote, most of them would vote Democratic. Unsurprisingly, Republicans consistently blocked all efforts toward allowing them to become voting citizens.



The GOP claimed it wanted to *protect American jobs*, yet it enthusiastically supported government policies and tax incentives that encouraged and enabled corporations to transfer jobs out of the country to low-wage nations. And despite their *American jobs* rhetoric, they welcomed campaign contributions from the very businesses that employed the extremely low-paid undocumented workers.

In reality, the Republican Party's anti-immigrant stance was more about limiting potential votes for Democratic candidates and appeasing their white-grievance-oriented base than it was about employment policies.

When the Trump regime took power in 2016 they immediately began a fierce campaign to block, demonize, deport, harass, and punish nonwhite and Muslim immigrants.

### ***2018: Midterm election & voter suppression***

The fiercely contested midterm elections of 2018 revealed the full breadth and scope of GOP efforts to suppress Democratic voters. Voters in almost half the states faced new restrictions imposed since Obama won in 2008, including voter registration barriers, voter ID laws targeting Democratic-leaning populations, felon disenfranchisement, voter purges, relocated or closed polling places in Democratic strongholds and reduced time periods to cast ballots, as well as other tricks, manipulations, and outright deceit.

In Georgia, for example, Brian Kemp the Republican Secretary of State — who was himself a candidate for governor in a very tight race — oversaw his own election. Using *exact match* and *purge by postcard* techniques, he improperly canceled 340,000 voter registrations, the majority of them Democrats, and placed an additional 53,000 voter registrations *on hold*.

African Americans made up less than a third of the Georgia electorate, but 70% of those who were blocked from voting were Black. Kemp narrowly defeated Stacy Abrams, a Black

woman, by just 55,000 votes out of 3.9 million cast (1%). Had likely Democratic voters not been disproportionately purged and blocked from casting their ballots, Abrams would almost certainly have won.

(For more information on Republican voter suppression tactics, see *“The Modern Assault on Voting Rights’ on page 44)*

## **The Election of 2020**

The presidential election of 2020 between Biden and Trump was even more bitterly fought and racially polarized than the 2016 campaign. To mobilize their base, GOP campaign rhetoric emphasized divisive racial wedge issues, demonized immigrants, and lauded *southern heritage* (meaning the Confederacy and Jim Crow). Republicans also intensified their effort to prevent nonwhites from registering to vote or casting ballots.

With the nation deeply split for or against Trump, there were few undecided minds up for grabs, though a small but significant number of former-Trump voters in urban and suburban areas — predominantly woman — did turn against him in 2020. At the end of the day, turnout decided the 2020 election. Both sides significantly increased their total vote compared to the 2016 race, Democrats by 15 million, Republicans by 11 million. Biden won decisively by 7.1 million votes. A margin of 4.5%.

### ***The GOP turns against vote by mail & early voting***

In 2020, Republicans again used voter-suppression tactics against potential Democrat voters. And in the face of a national pandemic, for the first time they launched a concerted effort to limit vote by mail, which they justified by their demonstrably false claims of *voter fraud*.

For decades, mail-in absentee ballots had been used by members of the military, the disabled, those living or working outside the country, and people who knew in advance they would be out of town on Election Day. Those absentee votes traditionally favored Republicans because

active-duty military voters tend to lean conservative and affluent civilians were more likely to be living overseas or by away from home on business or pleasure.

But beginning in the 1980s, some states began offering *no-excuse* absentee voting, allowing anyone to apply for a mail-in ballot even if they were not going to be absent on Election Day. And some states also made voting more convenient by allowing voters to vote before Election Day at special early voting polling places set up for that purpose.

In the 2008 and 2012 elections, roughly 15-20% of voters were either casting their ballots by mail or voting early. In 2016, Democratic campaigns began urging their supporters to do so as a way of circumventing long lines and delays at urban precincts on Election Day. That year, close to 40% of all ballots nationwide were either cast early or by mail.

Republicans came to believe that vote by mail and early voting spurred turnout that favored Democrats. Though they were unable to produce any actual evidence, the GOP abruptly began claiming that those methods were rife with fraud.

The Covid Pandemic of 2020, with its infection fears, social distancing, and lockdowns, caused another upsurge of voting by mail in those states that allowed it. Nationwide, more than half of all ballots were cast early or by mail. Democrats urged their supporters to use those methods while the GOP did the opposite. The result was a significant partisan divide: close to 60% of Biden supporters voted early or by mail, while just 32% of Trump voters did so.

### ***“Stolen election” — the Big Lie***

Well before Election Day, Trump began warning his supporters that the election was going to be *stolen* from him — even though his own internal polls showed him losing. Trump crony and dirty trickster Roger Stone began funding and organizing *Stop the Steal* groups to falsely claim that Biden’s win was a stolen victory.

Though Republicans fared well in state and local races, as soon as the results confirmed Trump's defeat, he, the GOP, and Stone's Stop the Steal groups unleashed a flood of distortions, outright lies, and fantasy conspiracy theories claiming massive voter impersonation and mail ballot fraud, rigged election machines, and crooked election officials switching Trump votes to Biden. They made no effort to explain why those imaginary tactics failed to stop gains by Republican candidates other than Trump.

Regardless of how mendacious and absurd they were, the GOP's made-up accusations took root with a significant portion of the Republican base, particularly those who did not accept nonwhite and urban voters as legitimate Americans with an equal right to elect a president.

Using the *stolen election* lie as justification, the Republican Party betrayed 200 years of peaceful transfer of power after an election by attempting to overturn the popular will with whatever means they could think of including:

### **Court challenges:**

In the days and weeks after Election Day, Republicans filed more than 100 local, state, and federal lawsuits and recount demands challenging the outcome in 16 key states. Judges across the political spectrum, including many appointed by Republican governors and presidents, either declined to take the cases or dismissed them for lack of merit.

Ruling on one of those cases, a federal judge in Michigan declared: *"This lawsuit represents a historic and profound abuse of the judicial process. ... This case was never about fraud—it was about undermining the People's faith in our democracy and debasing the judicial process to do so."*

### **Legislative attempts to nullify the results:**

In seven key battleground states (AZ, MI, MN, NC, NV, PA, WI), Trump and GOP leaders pressured state legislators and election officials to administratively toss out ballots from areas that Democrats won. They also tried to delay or block state certification of election results that showed a Biden

win. Their stated hope was that if deadlines were missed, Republican-dominated state legislatures could be convinced to appoint pro-Trump Electoral College slates.

In Georgia, after an official recount reconfirmed that Biden won the state by 11,779 votes, Trump personally called the Georgia secretary of state (a Republican) to pressure him into “*finding*” enough votes to hand Trump the win. “*All I want to do is this: I just want to find 11,780 votes, which is one more than we [need],*” he told the official. His demand was rejected.

On the federal level, Trump and his White House staff pressured Justice Department officials to find or invent some grounds for overturning the election. “*Just say the election was corrupt and leave the rest to me and the Republican members of Congress,*” he told the acting attorney general.

Though they ultimately failed to overturn the will of the electorate, those efforts generated publicity and promoted the *stolen election* lie among the Republican base.

### **An attempted administrative coup d’etat:**

In mid-December of 2020, the Electoral College confirmed Biden’s victory. Trump, GOP leaders, and cronies they had appointed to high office then attempted to prevent President Biden from assuming office by using their powers to declare the election “*corrupt*” and “*invalid.*” But the majority of federal officials refused to go along with their effort to maintain Trump in power by overturning the will of the people. In some cases, senior officials paid a price for their principled stand — Trump summarily fired them for upholding the rule of law.

Trump and his Republican allies then focused on the January 6th ceremony where a joint session of Congress formally receives Electoral College results from the states and certifies the winner. It’s normally a routine ritual presided over by the current vice president. But in extraordinary circumstances, by a majority vote in *both* the House *and* the Senate, Congress can challenge and refuse to

accept a state's Electoral College results. In theory, if enough votes were rejected the final decision would then be made by a vote of state delegations in the House, which would certainly result in a Trump victory.

But with a Democratic majority in the House, Republicans knew they couldn't get *both* chambers to reject results from states that Biden won. So Trump pressured Republican VP Pence to use his position as presiding officer to *unilaterally* reject the returns from enough key states to prevent Congress from certifying Biden's win.

The Constitution, however, does not grant the vice president personal authority to unilaterally reject Electoral College results by himself. To his credit, Pence refused to usurp powers not granted him by law. Trump then urged his millions of supporters to pressure Pence, falsely tweeting, "*The Vice President has the power to reject fraudulently chosen electors.*"

### ***Mob violence and insurrection***

[Definition: The word "*insurrection*" is commonly understood to mean an attempt to overthrow the government. But under U.S. law, the Insurrection Act also applies to groups who attempt to "...*oppose or obstruct the execution of the laws...*" through force or violence. For example, a mob that violently attempts to prevent enforcement of a court's desegregation order is guilty of insurrection. So, too, is one that tries to prevent Congress from performing its duties.]

Trump and Republican Party leaders called on their supporters to gather at the Capitol on January 6th to "*Stop the Steal*" by preventing Congress from certifying the Electoral College results. Speeches by Trump, Mo Brooks (R-AL), and other GOP leaders incited a crowd variously estimated at 10,000-20,000 to advance on the Capitol and "*fight like hell*" to block the final step in confirming Biden as president-elect.

The majority of Trump supporters at the Capitol fiercely protested what they had been told was a criminal

conspiracy by Democrats — but they did so with words rather than acts of violence (insurrection). However, an enraged core of perhaps 1000-2000 formed a violent mob that stormed through police lines and smashed its way into the building. Despite advance warnings, for some still-unexplained reason law enforcement was unprepared, under-manned, and ill-equipped to prevent a violent mob from invading the halls of Congress.

Intent on preventing Congress from certifying Biden's election, the mob rampaged through the corridors and offices, searching for members of Congress, attacking police, vandalizing, and looting. Armed with makeshift weapons and chemical sprays, the rioters chanted "*Hang Mike Pence*" and "*Kill Pelosi.*"

Among them were well-organized squads of white supremacist and right-wing militia groups such as the Proud Boys, Oath Keepers, and others. Equipped with tactical military gear, they hunted through the halls for congressional members and staff to beat, capture, hold hostage — and possibly lynch.

Speaker of the House Pelosi and Senate leaders were forced to temporarily suspend the certification proceedings and seek safety wherever they could find it.

After a mysterious delay of seven hours, heavily reinforced police and National Guard soldiers finally managed to clear the mob from the building. Congress was able to resume certification proceedings at 8pm. Echoing the lies of Trump and the mob, seven Republican senators and 138 GOP members of the House cast votes against certification of Electoral College results from two key states. They were outvoted. Biden was finally declared the winner at 3:45am on January 7th.

A week later (eight days before his term of office ended), the House voted to impeach Trump for inciting insurrection on January 6th. All Democratic House members and 10 Republicans voted in favor. The remaining 197 GOP members voted against impeachment of their leader. In

February, Trump (then out of office) was tried in the Senate. A 57-43 majority of senators (including seven Republicans) voted to convict him. But because a two-thirds majority was required, the charge was not sustained.

### ***The truth comes out***

For almost two years following the election, Trump cronies, campaign officials, and political allies proclaimed and defended the Big Lie that Biden had stolen the election. It was not until 2022, when formally testifying under oath and under penalty of perjury, that they known all along that Biden legitimately won and that their *stolen election* claims were deliberate lies.

But their false claims proved highly effective in mobilizing and solidifying Trump's control of the Republican Party. And enormously profitable in bilking their loyal supporters out of hundreds of millions of dollars for phony *Stop the Steal* and *Defend the Election* scams.

## **The Modern Assault on Voting Rights**

Now in the 21st century, we once again confront the old evils of race- and class-based voting restrictions. Today, though, they take a new form — rather than *denying* the right to vote to broad demographically defined groups, the GOP effort is to systematically *reduce* the number ballots cast by Democratic-leaning voters so as to ensure election victories by Republican candidates who favor maintaining the traditional racial and economic hierarchies.

While efforts to hold and wield political power by reducing the voter turnout of political opponents is nothing new in American politics, what *is* new is:

- The nakedly partisan role of a Republican-dominated Supreme Court.
- The scope and scale of GOP efforts to suppress turnout by nonwhite and urban voters who lean Democratic.



- Efforts to lower the overall number of voters who cast ballots by restricting early voting and voting by mail.
- Attempts to overturn Democratic election victories in the courts or by legislative fiat.

### *A Partisan Republican Supreme Court*

For most of American history, the Supreme Court was dominated by conservative ideology in matters of race, voting rights, social policy, and matters of business, labor, and economics. In regard to race, for example, it upheld and validated slavery in the *Dred Scott* decision, and Jim Crow segregation in *Plessy v. Ferguson*.

For most of its history, the court ceded control over voting rights and elections to the states. As a practical matter, their *states rights* doctrine meant accepting and upholding voting barriers based on race, gender, property, and economic status.

During the New Deal era which began in 1932, Roosevelt's appointments swung the court towards a more centrist ideology and a more expansive view of civil and voting rights, which resulted in the court outlawing all-white primaries in 1944 (*Smith v. Allwright*) and undermining segregation in 1954 (*Brown v. Board of Education*). But they continued to uphold poll taxes, literacy tests, and other tricks and schemes used by state governments to restrict political power to whites only.

It was the Freedom Movement that forced enactment of the 1957, 1960, and 1964 Civil Rights Acts, adoption of the 24th Amendment outlawing poll taxes in federal elections, and then the Voting Rights Act in 1965. The Court, which still had a post-New Deal liberal wing, upheld those federal laws.

Prior to the Voting Rights Act, the Democratic Party was split over voting rights. The Dixiecrat wing fought to prevent nonwhites from voting, while the party's northern wing argued for expanding the franchise regardless of race. Republicans too were divided. Intent on preserving the economic and social status quo, traditional conservatives had always favored a narrow electorate to curb the power of the

“mob.” But in some states a significant number of Blacks supported the GOP out of revulsion against the Dixiecrats.

After passage of the Civil and Voting Rights Acts and then Republican adoption of their *southern strategy*, party alignment shifted. As more and more former Dixiecrats become newly minted Republicans, the GOP evolved into a party dedicated to defending the traditional racial order of white dominance. And as the majority of newly enfranchised Blacks and Latinos joined the Democrats, that party became the champion of voting rights and electorate expansion.

Over time, election results showed that higher voter turnout tended to favor Democratic candidates. That caused election process issues to become increasingly partisan among party activists, elected officials at all levels — and the members of the Supreme Court.

Throughout the 1980s and 1990s, the GOP worked intensely to ensure a conservative judiciary and to create a politically partisan Supreme Court that would roll back the voting rights gains of the 1960s — and also abortion rights, labor rights, and all regulations affecting businesses. By 2000, the post-New Deal centrists were gone, and the Court was once again dominated by conservatives, first a 5-4 GOP majority and then in 2021 a 6-3 majority:

- **2000:** In a party-line 5-4 decision, the Republicans on the Court halted the recount in Dade County, Florida, thereby anointing Bush to the presidency even though his Democratic opponent received half a million more votes nationwide.
- **2005:** Over the fierce objections of civil rights supporters, John Roberts was confirmed as the new Chief Justice. Congressman John Lewis stated: “*I fear that if Judge Roberts is confirmed to be chief justice of the United States, the Supreme Court would no longer hear the people’s cries for justice.*” Events proved Lewis’s fears to be well founded.
- **2010:** In *Citizens United v. FEC*, the Court struck down long-held restrictions on corporate and organizational

campaign spending. That tilted the electoral arena in favor of GOP candidates — as everyone knew it would.

- **2013:** In *Shelby County v. Holder*, Roberts led the Court's five-member Republican majority to strike down Section 5 of the Voting Rights Act. That ruling freed red state governments in the South (and by implication everywhere) to begin enacting voter-suppression laws and regulations. Which they immediately begin to do.
- **2016:** Senate Republicans refused to vote on, or even discuss, President Obama's nomination of Merrick Garland (a moderate centrist) to fill a Supreme Court vacancy. They held the seat empty for seven months until the newly elected Trump could fill it with Gorsuch, a highly partisan Republican.
- **2020:** In the waning days of the Trump presidency, the GOP rammed through the appointment of Barrett, a right-wing extremist to fill the seat of Ruth Bader Ginsberg, a liberal stalwart, who had died just days earlier. That gave Republicans a highly partisan 6-3 majority on the court.
- **2021:** In *Brnovich v. Democratic National Committee*, the six Republican members of the court significantly weakened Section 2 of the Voting Rights Act by requiring plaintiffs to prove discriminatory *intent* when challenging a voting law or regulation rather than simply showing that it had a racially biased *effect*. Since politicians habitually lie about their true goals, *intent* is almost impossible to prove in discrimination cases. Prior to that ruling, laws, regulations, and policies had been judged by their *impact* rather than the stated intent of their authors.

### ***Targeting Democratic Constituencies***

After Obama defeated McCain in 2008 and Romney in 2012, Republican governors and legislatures began a systematic effort to suppress likely Democratic votes. Their voter suppression tactics played a key role in Trump's defeat of Clinton in 2016. In 2020, they intensified those efforts after

Trump lost GOP-stronghold states like Georgia and Arizona and swing states like Michigan and Wisconsin that he had won in 2016. To justify their partisan election-rigging, they elevated the *stolen election* lie to political dogma.

### **Targeted voter registration barriers**

Preventing likely Democrats from registering to vote would be the surest path to Republican victories. But the 15th Amendment and the VRA still prohibited racially targeted registration barriers such as literacy tests, poll taxes, grandfather clauses, and other Jim Crow 1.0 devices. So Republican state legislators came up with new tactics:

### **Blocking registration campaigns:**

Republicans are more likely to self-register at a government office than are Democrats — in part because they tend to be more affluent and it's easier for middle-class managers and the self-employed to take time off to do so during business hours. So proactive evening and weekend registration campaigns that go into communities — particularly nonwhite communities — to seek out and register voters are more valuable to Democrats than to Republicans.

Voter registration campaigns organized by unions, the League of Women Voters, churches, and civil organizations like the NAACP all register everyone regardless of their party preference (if any). But in real life, such outreach efforts tend to sign up more Democrats than Republicans. So while laws and regulations to hinder or prevent registration campaigns can be disguised as *race-neutral* and *nonpartisan*, they are in fact highly partisan.

Which is why red states began enacting new laws that severely restricted such campaigns. So restrictive that in Texas and Florida, for example, it became impossible for groups to mount effective registration drives in nonwhite and poor communities. In those two states, the League of Women Voters and Project Vote were forced to cease operations entirely. As one federal judge observed, “[The]

*laws would have rendered Freedom Summer illegal.”* No doubt. And not by accident.

### **Hindering individual registration:**

Republicans also passed new laws and rules making it harder for the kinds of people who tend to vote Democratic to register themselves individually — for or example, by reducing weekend and after-work opportunities to register and by requiring that college students register in the states and counties where their parents live, rather than the college towns where they live for most of the time.

The results spoke for themselves. By the time of the 2018 midterm elections, there were at least 3 million eligible Latino and Black citizens in Texas who were not registered to vote. Many of them were *former voters* who remained unregistered after being purged. Beto O’Rourke, the 2018 Democratic senate candidate had strong support from those communities, but he was narrowly defeated by 219,000 votes out of 8.3 million cast. Observers concluded that if just one out of five of those unregistered Black and Latino voters had been able to vote, O’Rourke would have won.

### **Targeted voter purges**

In addition to imposing registration rules that hindered nonwhites, the poor, and college students, Republicans also began purging from the rolls likely Democratic voters who had managed to register. Many GOP-controlled states instituted programs to remove voters using techniques carefully designed to disproportionately target Democrats. Nationwide, between 2014 and 2018 close to 16 million voters were stricken from the voting rolls — often without any notice at all.

Republicans claimed they were simply removing dead people and those who had moved. But after the Supreme Court gutted Section 5 of the Voting Rights Act in 2013, they — and the highly partisan political consultants they hired to actually do the purging — found ways to bias the procedures to target Democratic constituencies:

- **Purge by postcard (caging):** *Caging* refers to purging voters by sending them a postcard or letter that they must respond to. If it's returned by the post office as undeliverable, or the voter fails to respond, they're stricken from the rolls, often without being informed that they've lost their right to vote. By selecting the zip codes and districts that purge cards were sent to, and by tweaking the card's language and appearance, partisan officials were able target Democratic voters.

As one Louisiana GOP campaign operative described it: *"I would guess that this program will eliminate at least 60-80,000 folks from the rolls. ... If it's a close race, which I'm assuming it is, this could keep the black vote down considerably."*

Prior to the 2018 election, Georgia Secretary of State Kemp (who was running for Governor at the time) sent caging cards — designed to look like junk mail — to voters in selected areas who had not voted in previous elections. Voters who failed to fill out the card and return it were purged. More than 340,000 Georgia voters were *incorrectly* disenfranchised by this trick — most of them Black, Latino, or poor.

- **Purge by Exact Match:** Georgia also enacted a law requiring that the handwritten information voters fill out on their registration form *exactly match* existing state records in every single detail. To check that match, state employees — chosen and supervised by candidate Kemp — read information off the form and typed it into a computer system. If the voter (or typist) made an error such as omitting a middle initial, misspelling an unusual address, or misplacing a hyphen, that person's registration was rejected by the computer.

Prior to the 2018 vote, an estimated 53,000 voters were purged using this method. In clear evidence of partisan bias, 80% of them were African Americans even though Blacks comprised only 32% of the state's population.

Kemp defeated Stacey Abrams, his Black opponent, by a narrow 1% margin.

### **Discriminatory voter ID laws**

After the *Shelby* ruling gutted Section 5 of the VRA, Republicans quickly (in some cases instantly) began passing new laws requiring voters to present specific kinds of photo IDs before they could vote.

Many of the states with these new voter ID laws also required a birth certificate and proof of residence at a street address to obtain an alternate ID valid for voting. Many older African Americans born in the Jim Crow South were 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 were frequently unable to provide utility bills, apartment leases or other proofs of residence acceptable to state officials.

The partisan nature of the new voter ID laws was evident because they disproportionately impacted those most likely to vote for Democrats. For example, they discouraged voting by the elderly poor who are less likely to own a car or possess a valid driver's license and often cannot afford the cost of the alternate photo ID options offered. Overall, while 10% of *all* Americans didn't have the required IDs, 15% of *low-income* voters didn't, 18% of *seniors* didn't, and 25% of *African Americans* didn't. Not coincidentally, the poor, seniors, and Blacks are all key Democratic Party constituencies.

### **Blocking student voters**

Because young people face a future dominated by global warming, rising college tuition and student debt, and shrinking opportunities for middle-class careers and jobs they tend to vote either for Democrats or anti-establishment candidates.

Aware of that reality, GOP legislators and political operatives acted accordingly. The new Texas law, for example, accepted concealed-carry gun permits as a valid

form of voter ID, but not student ID cards, not even from the University of Texas. Some 80% of Texans with handgun licenses were white, and statistically those who carried concealed weapons were far more likely to be NRA members and vote Republican than were college youth who — even in Texas — were *majority nonwhite* and tended to favor Democrats.

Often the new state voter ID laws required an in-state driver's license, which students may neither have nor need, and which out-of-state students may have difficulty obtaining. Or they required a utility bill or apartment lease as proof of residency, which students who frequently moved or “crashed” with friends could not provide.

Many colleges are located in small and medium-sized towns that lean conservative. The local power structures prefer that liberal-leaning students vote in their parents' home district. Yet students live nine months out of the year in college towns where they're governed by city and county ordinances, pay taxes, and are policed, so that's where they prefer to register and vote — but are blocked from doing so.

Voters at large colleges might swing a local election, so in some cases districts were gerrymandered to dilute their vote. For example, the nation's largest Black college is North Carolina A&T in Greensboro. For years, the students there had been constituents of a single congressional district represented by an African American graduate of that school. In 2016, the GOP-dominated legislature drew new district lines that divided the campus in half between two different districts. Now A&T students are represented by a pair of white Republicans.

### **Blocking Native American voters**

Like most nonwhite communities forced to endure the lies and racism of white supremacists and white nationalists, Native Americans tend to vote for Democrats. So they, too, are targets of Republican voter suppression tactics. In 2012, for example, American Indians living on North Dakota



reservations solidly backed Heitkamp, a Democrat, for senator. She narrowly won her race by less than 3,000 votes.

The GOP-dominated state legislature then imposed a new voter ID law requiring a residential street address in order to vote. They knew that reservation dirt roads don't have officially recognized names, and that most reservation dwellings, trailers, and RVs had no house numbers. For generations, tribe members had picked up their mail at a post office or traditional trading post. Agencies like the motor vehicles department, the IRS, and Social Security had no problem with that. But under the Republicans' new law, American Indians could no longer use their driver's licenses as voter ID because they displayed a P.O. box or trading post address.

When Heitkamp ran for reelection in 2018, she lost to a Republican by just 35,000 votes.

### **Felon disenfranchisement**

The United States imprisons a higher proportion of its population than any other industrialized nation. Nonwhites and the poor are far more likely to be sent to prison than whites or the affluent.

Once ex-convicts are released, they are expected to obey all laws and pay their taxes, yet many states permanently bar them from voting for the legislators who make those laws and the sheriffs and judges who enforce them. Inherent in that system is the false notion that voting is a *privilege* rather than a basic constitutional *right*.

In the election of 2020, more than 5 million citizens — 2.3% of the voting age population — were out of jail but prevented from voting because of a prior conviction. More than 6% of African Americans were disenfranchised by a prior conviction compared to less than 2% of whites.

Florida, the worst state for felon disenfranchisement, barred an estimated 1.6 million ex-convicts from voting in 2018. That was 10% of the total population and a whopping 21% of Florida's Black population. Out of more than 8.1 million

votes cast in Florida that year, the GOP candidate for Senate narrowly defeated the Democrat by 10,000 votes (0.001), and the white GOP candidate for governor beat a Black candidate by 33,000 votes (0.004). It's clear that both Democratic candidates would have won had Blacks not been disproportionately disenfranchised.

In that same 2018 election, Florida voters passed a constitutional amendment restoring voting rights to almost all former prisoners who had completed their sentences.

In response, the Republican-controlled legislature gutted the amendment by redefining *completing their sentences* to include full payment of all fines, court costs, and late-fee penalties that often amounted to tens of thousands of dollars. In effect, this became a wealth criterion for voting. Affluent, middle-class ex-cons — most of whom were white — could afford to pay their fees and vote. The poor, underemployed, and unemployed, often could not. The result is that in 2021 more than 700,000 people in Florida remained unable to vote because of a prior felony conviction, race, and poverty.

### **Voter intimidation**

Voter intimidation includes tactics such as:

- Physically threatening voters or appearing to do so
- Spreading false information about voting requirements
- Falsely presenting oneself as an election official
- Harassing non-English speakers and voters of color
- Aggressively questioning voters about their citizenship, criminal record, or other supposed qualifications to vote
- Displaying false or misleading signs about voter fraud and related criminal penalties

The GOP has a long history of using voter intimidation tactics to suppress the turnout of nonwhite voters. Recruiting armed, off-duty cops wearing phony “National Ballot Security Task Force” armbands to lurk at polling places in Black and Latino

neighborhoods, hector poll workers and voters, and illegally prevent volunteers from helping the elderly and disabled from casting their ballots is just one example.

Way back in the 1980s, a federal court barred the Republican Party from using such practices. The court updated and expanded its prohibitions after the 1986, 1990, and 2004 elections. But after the Supreme Court weakened the Voting Rights Act in 2013, that 1980s court order was vacated in 2018. Republican voter intimidation then immediately increased.

Prior to Election Day in 2020, for example, voters in highly contested states like Michigan and Pennsylvania received phony robocalls telling them that anyone who voted by mail might have their ballot information used to check for outstanding warrants or unpaid debts, *and* that they would be added to a “*mandatory vaccination*” list by the CDC.

### ***Suppressing the Urban Vote***

Large cities have always been Democratic strongholds. So, too, are rural areas with nonwhite majorities such as Black Belt counties of the Deep South, Latino-majority counties along the southern border, and Indian reservations. Small towns and white majority rural areas are the GOP heartland, with suburbs and smaller cities up for grabs. So one way for Republicans to ensure election victories in statewide and presidential races is to suppress the urban vote.

#### **Long lines to discourage urban voters**

Long lines discourage voters from casting ballots. After the *Shelby* ruling ended preclearance of election changes, GOP politicians and election officials acquired the ability to cause long lines in dense urban areas and nonwhite rural districts by reducing the number of polling places, understaffing those that remained, and equipping them with the oldest and least reliable machines.

In both 2018 and 2020, urban and nonwhites in GOP controlled rural areas were forced to travel long distances and wait for hours in order to cast their ballots. For

example, in one Black-majority Georgia county in 2018, officials attempted to close seven of the nine precincts. In some urban precincts during the 2020 election cycle, voters were forced to wait for more than six hours in heat, rain, and cold. In districts that allowed voters still in line at poll closing time to cast their ballots, the last voters didn't get to do so until after midnight. But those who had children to care for at home or other time constraints couldn't.

To ensure that the maximum number of urban voters were deterred by long lines, states such as Georgia, Florida, and Arkansas enacted laws making it a criminal offense for volunteers to provide cool water, warm coffee, or other assistance to anyone waiting in line to vote.

### **Polling place hours and long commutes**

Polling places are assigned according to where you live, not where you work. Urban voters must often endure long commutes between home and workplace which makes it difficult to vote before work and still clock in on time, or after work before the polls close.

Most democratic nations hold elections on Sundays or holidays when people with jobs can more easily vote. But that's not the case in America. While some states require employers to grant employees time off to vote, most do not. In some red states, the polls open at 7am and close at 6pm making it physically impossible for employees with long commute times to vote in person on Election Day.

### ***Restricting Early Voting and Vote by Mail***

In the later years of the 20th century, many states began enacting election reform measures to increase participation by making voting easier and more convenient. Early, weekend, and after-hours voting at special polling places and voting by mail were two of the most common reforms.

Though there was some disagreement, most politicians and campaign consultants eventually became convinced that, as a general rule of thumb, high voter turnout favored the Democrats. So once the *Shelby* ruling signaled that the

Republican Supreme Court majority was likely to uphold voter suppression tactics, Republican state legislatures began enacting laws aimed at rolling back procedures that encouraged turnout, particularly those that made voting easier for time-constrained urban voters.

### **Eliminating or restricting early voting**

To ease problems caused by long lines and long commutes, states seeking to encourage voter turnout began permitting voting before Election Day at designated locations for extended hours or on weekends. In some southern states, early voting on Sundays allowed African American churches to organize *souls to the polls* events so that Black church members could go together by bus or car caravan after services to cast their ballots.

Before the 2018 midterm elections, Republicans began to systematically curtail early voting. In 2012, for example, almost 39% of North Carolina's early voters were Black. That state then eliminated Sunday voting. As intended, that put a brake on African American participation.

### **Curtailing vote by mail**

While traditional absentee balloting tended to favor GOP candidates, it's no longer clear that modern mail-in voting favors one party over the other. Nevertheless, prior to and after the 2020 election, GOP politicians and campaign operatives fiercely condemned the use of mail-in ballots. Without a shred of evidence, they claimed that Trump's defeat was caused by huge numbers of ineligible people casting fraudulent mail-in ballots for Biden (though for some reason that didn't seem to affect the outcome of Senate and House races).

Democrats saw vote by mail as a way for their supporters to evade long lines and distant polling places, so in blue states they made voting by mail easier. But after 2020, red state legislatures began enacting laws that either eliminated vote by mail entirely (except for a limited absentee-ballot

system), or made mail-in voting more difficult and inconvenient in order to reduce its use.

Republican tactics to reduce vote by mail included:

### **Preventing automatic mail balloting**

Arizona, for example, eliminated its Permanent Early Voter List so that no one could sign up to automatically receive a mail-in ballot. Now they must remember to apply for one in advance of every election. Georgia prohibited election officials from sending out unsolicited absentee ballot applications, and banned churches, unions, and civic organizations from encouraging or aiding their members in applying for an absentee ballot.

### **Limiting ballot drop-off boxes:**

Ballot drop-off boxes are owned and operated by local election departments. They allow voters to bypass the post office and return mail ballots directly to election officials which makes it easier for voters to meet *postmarked-by* or *received-by* deadlines for mail-in voting.

To depress turnout (particularly in dense urban areas) some Republican-controlled legislatures restricted the numbers, locations, and availability of drop-off boxes. Texas, for example, limited them to one per county: one for Harris County (Houston) a Democratic stronghold with 4.5 million people, and one for Loving County, with a total population of just 64. One box for Webb County, which is 95% Latino and covers 3300 square miles, and one for each of the small white-majority GOP counties less than a third that size.

For the 2020 election, Florida drop boxes were available around the clock. Afterward, the legislature limited them to 8-12 hours a day. Meaning that shift-workers and others who relied on early morning and nighttime hours to submit their ballots could no longer do so.

## ***Outcome Rigging and Overturning***

Even before the 2020 election was over, Trump and the Republican Party had begun feverish attempts in the courts, election departments, and state legislatures to overturn Biden's clear election victory. Though they came frighteningly close, all their efforts failed — but they did create a template for GOP attacks on all future Democratic victories as *illegitimate* and therefore *invalid*.

Justifying themselves with the *stolen election* lie, red state legislatures began enacting new laws aimed at enabling GOP-leaning judges and Republican office holders to reject the will of the voters and install candidates of their choice by judicial or legislative fiat. Simultaneously, Republican political operatives and GOP-aligned groups commenced a campaign of threats and intimidation against the nonpartisan poll workers and election officials who had refused their illegal demands to *declare* Trump the winner in order to increase the likelihood that next time they'll bow to Republican pressure.

### **Threatening poll workers & election officials**

Following the 2020 election, hundreds of election workers — and their families — were threatened with violence and death for their refusal to reject the will of the voters and rig the election for Trump. In many cases, the hate-filled messages and threats they were subjected to were filled with racist, misogynist, and antisemitic tropes.

Fearing for their safety and that of their families, many resigned in fear. The chief election officer of San Luis Obispo County in California, for example, received so many threats of death that he resigned his position. There were so many threats against a Republican election commissioner in Philadelphia that his wife and family had to flee their home, and he was assigned a round-the-clock security detail. In Michigan, armed members of a right-wing militia group threatened the secretary of state at her home.

By July of 2021, one-quarter of all election directors or their deputies in 14 southwestern Ohio counties had resigned. In

a national survey, one out of every three election officials said they felt unsafe in their jobs, one in five said they were concerned about death threats. Election officials who remained at their posts did so knowing that they might face violence in the future if GOP candidates in their jurisdiction lost an election.

Red states also began enacting new laws imposing *criminal* penalties on nonpartisan election officials and workers for how they do their job. Many of these new laws are vague, subjective, and open to interpretation, exposing election officials to prosecution and lawsuits if their actions or decisions offend some militant partisan. In Texas, for example, a new law makes it a crime for local election officials to make *any* statement, or take *any* action, that *might* encourage eligible voters to *apply* for a mail-in ballot — answering a “*How do I*” question, for example.

Voting rights advocates now fear that as poll workers and officials are intimidated into resigning they will be replaced by highly partisan Trumpites subservient to the extremist far-right base of the Republican Party. And that the decisions of election workers who remain on the job despite threats of violence, lawsuits, and prosecution, will inevitably be influenced by fear of Republican retaliation.

### **Enabling partisan manipulation**

Among the new voting laws enacted by red states were partisan changes to election administration. Arizona, for example, removed authority over election-related lawsuits from the secretary of state (a Democrat) and transferred it to the attorney general (a Republican).

Civil rights advocates now fear that other new laws might enable GOP-controlled state legislatures to overturn local, district, or state results they don't like. Or override a Democratic presidential victory in 2024. Or allow Republicans in Congress, if they regain control in 2022, to deny a Democratic presidential victory.



A new Georgia law, for example, gave the Republican-controlled legislature power to appoint a majority of the members of the State Elections Board, and then granted that board authority to determine voter eligibility, count the vote, and replace the bipartisan county officials who actually run elections with a single person appointed by the state board.

### ***Perversion of the Criminal Justice System***

To bolster their *stolen election* lie, some highly partisan Republican prosecutors and judges sought out criminal cases against nonwhites whom they could charge with voting illegally. Though their efforts produced paltry results, the few cases they managed to gin up were well publicized by right-wing media such as Fox News.

A case from Memphis, Tennessee is a good example. In 2019, both the County Corrections Department and Election Commission mistakenly certified that the voting rights of a Black woman had been restored after she served her sentence from a felony conviction. Since she was a supporter of the Black Lives Matter Movement and she wanted to vote in 2020, she submitted the official voting rights-restored certificate when she attempted to register. She was convicted and sentenced to six years in prison on charges of illegally attempting to register to vote.

Yet when white Republicans were convicted of actually casting illegal votes, partisan prosecutors and judges bent over backwards to be lenient, sentencing them to probation and small fines. For example, a local Republican official in Ohio admitted to forging his dead father's signature on an absentee ballot and then voting again as himself. He was sentenced to three days in jail and a \$500 fine.

### **Voting Rights & the Senate Filibuster — Again**

In the election of 2020, Democrats retained control of the House and, by the narrowest of margins, achieved technical control of the Senate where Republicans took 50 seats,

Democrats 48, and independents 2. Because the independents caucused with the Democrats, the result was a 50-50 split. If a floor vote ended in a tie, Kamala Harris, the Democratic vice president, could break it.

The For the People Act (FIPA) was the first bill introduced by Democrats. It was a comprehensive voting rights bill that, along with other reforms:

- Made it easier to vote in federal elections
- Made voting by mail available to all
- Ended congressional gerrymandering
- Strengthened campaign finance laws
- Increased safeguards against foreign interference
- Strengthened ethics rules for elected officials

The FIPA was followed by the John Lewis Voting Rights Advancement Act (JLVRA) which restored provisions of the 1965 Voting Rights Act that had been overturned on technicalities by the Supreme Court. Both bills passed the House on party-line votes — Democrats in favor, Republicans opposed.

In the Senate, Republicans filibustered both bills, preventing them from being debated or voted on. Because each state gets two senators regardless of the state's population (and the District of Columbia is not a state so it gets no senators), the 50 Democratic senators favoring voting rights represented 57% of the population while the 50 Republicans blocking voting rights represented only 43%. Thus, the minority overruled the majority.

Most Democrats wanted to use their slim majority to either end the filibuster entirely or exempt these two bills from being filibustered (as had been done in the past for other Senate actions). But two Democratic senators, Manchin (D-WV) and Sinema (D-AZ) refused to do so because they put preserving the filibuster ahead of our fundamental right to vote.

Manchin claimed that eliminating or weakening the filibuster was not necessary because he could work with Senate moderates to draft a compromise voting rights bill that he

would support and that at least 10 GOP senators would vote for — thereby clearing the filibuster bar.

That compromise bill was called the Freedom to Vote Act (FTVA). Both Manchin and Sinema supported it. In some respects it was even stronger than the FTPA, in others areas such as campaign finance and ethics rules, it was somewhat weaker. Public opinion polls reported that a solid majority of the American people supported its provisions.

Not a single Republican senator voted for the FTVA. Without 10 GOP votes, it could not clear the filibuster blockade. Manchin and Sinema continued to put preserving the sanctity of the Senate filibuster ahead of voting rights. So, like the FTPA and JLVRA, the FTVA was killed by filibuster.

Republican-dominated state legislatures and officials remained free to enact a wave of voter suppression laws and regulations that were more blatant and corrosive of democracy than anything seen since the 20th Century Jim Crow era.

## **The Fight to Have Our Votes Count**

In the 19th and 20th centuries, we and the generations who had come before us fought to expand the right to vote. Sadly, that struggle still continues in the 21st century.

Now, however, we must also fight to have our votes count for something. Not the right to have our votes *counted* — though that too may be a crucial issue — but rather the right to have our votes *mean something*.

### ***Partisan disempowerment***

In a number of states, when urban cities and counties under Democratic control enacted rent-control, minimum-wage, environmental, or other laws opposed by Republican orthodoxy, GOP state legislatures stripped away their authority to do so, nullifying the actions of local bodies and overruling the voters who elected them.

Starting with North Carolina in 2016, red state legislatures also stripped power from governors and other state wide offices when a Democrat won those offices. In 2018, for example, after Democrats won the governor and attorney general races in Wisconsin, the Republican-controlled legislature enacted 141 pages of new laws stripping those positions of their traditional powers and specifically preventing them from carrying out campaign promises around welfare, healthcare, economic development and voting rights.

### *Unelected 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 unelected global commissions appointed and controlled by multinational 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 override those made by our elected officials at all levels.





*A luta continua* ~ The struggle continues

#### About the Author:

Bruce Hartford was a civil rights worker in the 1960s. First with the Congress of Racial Equality (CORE) in California and then on the fieldstaff of Dr. King's Southern Christian Leadership Conference (SCLC) in Alabama and Mississippi.

He participated in the 1963 March on Washington where Dr. King gave his *I Have a Dream* speech. He was active in the Selma Voting Rights Campaign, participated in the March to Montgomery, and was among those awarded the *Foot Soldiers for Justice* Congressional Gold Medal in 2016. He was director of the Crenshaw County Alabama voter registration project in 1965, participated in the Meredith Mississippi March Against Fear in 1966, and was a field organizer in Grenada, Mississippi, during that county's long and bloody struggle to end segregation and win voter rights.

He is author of:

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*The Selma Voting Rights Struggle & March to Montgomery* (2014)

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He is currently webmaster for the Civil Rights Movement Archive (CRMA) and a board member of the SNCC Legacy Project (SLP).

For additional information about the fight for voting rights:

Civil Rights Movement Archive (CRMA)

[www.crmvet.org](http://www.crmvet.org)