

Currently, there is a wave of voter-suppression tactics washing over the United States that will be crucial for the survival, or not, of American democracy. The context for this drive to make it more difficult for many Americans to vote goes back to the Civil War and to the end of slavery.

During the “Reconstruction” period following the Civil War northern states attempted to guarantee civil rights for former slaves by adopting three new constitutional amendments. By 1877, reaction against abuses by northern “carpetbaggers” who took advantage of conditions in the defeated states to enrich themselves, and the skill of southern legislators, ended Reconstruction. What followed in the South was passage of voter restrictions that effectively blocked Afro-Americans from voting, having a voice in the governance of their states, and fully integrating into American society. Laws implementing racial discrimination established a comprehensive system of control known as “Jim Crow” (from a character in a minstrel show). This structure lasted until 1965, when marches, civil disobedience, reaction to police brutality against protestors, and the murders of three northern civil rights activists in Mississippi, prompted Democratic Presidents John F. Kennedy and Lyndon B. Johnson to take action.

In 1965, Congress passed the Voting Rights Act, signed into law by Johnson on August 6. Unlike previous legislation, this law, designed to implement the fifteenth amendment, had teeth. It declared that the vote “shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.” Special enforcement provisions targeted counties with a history of racial discrimination, which could not make changes to voting laws without a ruling by the Attorney General or the Washington D.C. district court certifying that the changes did not have discriminatory intents or effects. The regulations

also allowed for the naming of federal examiners and observers to monitor application of the law.

The southern states that were singled out chafed at this legislation, but the law achieved its aim of lessening discrimination. Ironically, its success also undid it. In 2013, The US Supreme Court gutted its implementation provisions. The Court majority, appointed by Republican presidents, ruled that the facts used to implement the law in 1965 were too old and that Congress should rely on up-to-date evidence. According to Chief Justice John Roberts's opinion, the current system of control was “based on 40-year-old facts having no logical relationship to the present day.” In a polarized Congress, any agreement on new “facts” is impossible.

Flash forwarding to the present, this history of discrimination against Afro-Americans is affecting the entire country. Democratic strategy for victory in 2020 focused on increasing voter turnout in the belief that Trump was deeply unpopular in the country, especially among Afro-Americans. This historically Democratic bloc had been difficult to turn out for elections, although it occasionally did so. The Black population lives primarily in the cities, and urban, Democratic-leaning residents outnumber the historically Republican-voting rural population. However, because of low voter turnout among the minority populations of the cities in the South and Midwest, Republicans have managed to gain control of a majority of state legislatures and the states have generally voted for Republican presidential candidates. In the American federal structure, the individual states have considerable power, including regulating how their population votes. This situation reflects the 18th century compromise between advocates of representation by population and those who favored representation by states. For that reason, for example, all states have two representatives in the Senate, regardless of population, which—

combined with the electoral college—gives the minority a great advantage in the Senate and in electing a president.

In 2020, the Democrats succeeded in increasing the proportion of people who participated in the vote. Aided by the ravages of pandemic, they fought to employ methods already used by some states but not universally applied. These included expansion of early voting, voting by mail, and absentee voting.

The 2020 elections went smoothly, with no evidence of substantial dishonesty. Courts confirmed this by rejecting some sixty challenges by Trump supporters after the former president lost the election. Nevertheless, Trump’s “Big Lie” that the election was rigged against him has provided cover for Republican-controlled state legislatures to pass legislation making voting more “secure,” i.e., more arduous in Democratic-leaning high population counties. An estimated 300 proposals in 24 Republican-led states are trying to change the mechanics of voting to make it more difficult for city dwellers and other Democratic-leaning constituencies to vote, paving the way for Republican victories. If successful, these methods will cement minority political control of the United States for Republicans. Evidence of this contention can be seen in the passage of such legislation both in states Trump narrowly lost and where he won.

One of the big surprises of 2020 was the victory of Biden and two Democratic Senate candidates in formerly reliably Republican Georgia, where *Republican* election officials agreed that cheating did not occur and resisted Trump’s pressure to “find” votes for him. Legislation recently signed into law in Georgia removed the Secretary of State as a voting member of the State Election Board. Secretaries of State oversee state elections, and the Georgia Republican Secretary Brad Raffensperger, rebuffed Trump’s threats. Now the Election Board has come under greater control by the Republican legislature, which will also have the power to suspend

local election officials. The law expands early voting in small counties but not larger Democratic-leaning ones by adjusting the voting times. Election officials have been prohibited from mailing out absentee ballots to all voters—a common occurrence in 2020—and voters will have less time to request absentee ballots. Mobile voting centers will all but disappear, the number of drop boxes for voters to leave ballots are severely limited, and strict new identification requirements are in place. Finally, anyone offering food or water to people on long lines can now face legal charges. More generally, the role of partisan poll watchers is being strengthened, favoring voter intimidation, and election officials will face stiff penalties if they make an error.

Such practices affect not only Afro-Americans but also other non-white groups, not to mention poorer constituencies in general. Immigration into Georgia has produced a larger minority population for whom these provisions will make voting more difficult. Similar circumstances have arisen in other large states such as Florida and Texas, where an influx of immigrants is also helping drive adoption of comparable restrictive laws.

A particularly worrying aspect of these efforts is that they appear to be centralized. Republican state legislators have met with representatives of the right-wing “Heritage Action for America” to discuss so-called “best practices” for voting. The same organization has sent out a letter and a report describing in detail the policies that it believes should be implemented in order to prevent non-existing cheating. Biden and the Democrats have attacked these developments and a bill prohibiting attempts that produce restricted voting in the states has been passed in the House of Representatives. A Republican filibuster endangers passage in the Senate.

The attempt to make voting more difficult for one group of Americans has morphed into a threat to American democracy.

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