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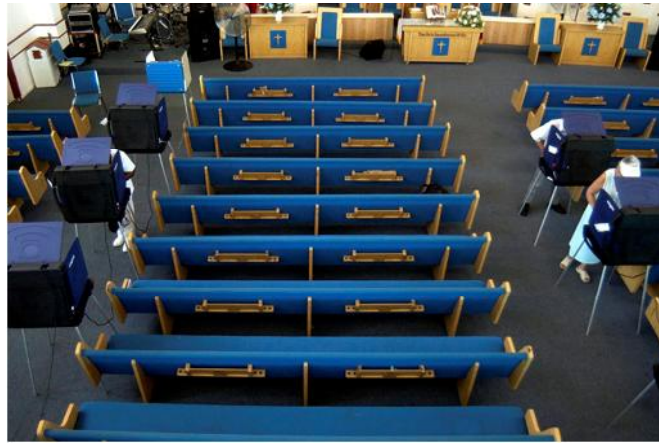
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Democracy denied: Millions of Americans blocked from voting

Voter suppression efforts today echo 19th century efforts to block urban immigrant working class from casting vote.

Paul Rosenberg
10/28/2012



"Habitual non-voters are more Democratic and more social democratic than habitual voters are, so the GOP has a vested interest in keeping the electorate as limited as possible," says author [EPA]

The US Presidential race is being fought out most visibly in its "air war" - the barrage of TV ads concentrated in swing states, and the televised debates reaching tens of millions of viewers at once. But in the end, the outcome may well be determined by its trench warfare, a crucial

component of which, for the GOP, consists in an intensively-fought effort to prevent as many Democrats as possible from voting.

It's a throwback to a bygone era, when similar efforts throughout the North - stopping short of the blood-stained mass terror favoured in the South - were employed to suppress the votes of thousands, perhaps millions of naturalised working class voters.

With roughly seven million voters effectively prevented from voting in 2008, according to the **Co-operative Congressional Election Study**, and perhaps five million more imperiled by new voter-suppression measures, according to **another study in 2011**, this should be a dominant campaign story.

Instead, it's marginalised, partly because it can't be squeezed into the US media's sacred "both sides do it" frame, and partly because those most impacted are primarily poor, low-income, and/or young. In 2005, for example, figures showed that only 59 per cent of citizens in households earning \$15,000 or less were registered, compared to 85 per cent in house' earning over \$75,000.

It's also the case these would-be voters are much less likely to have driving licences, birth certificates, or any other sort of documentation required by the avalanche of voter-ID laws, being marketed to "protect the vote", so those figures are probably only going to get worse, and the US media is not going to help you understand how or why.

'The right to vote'

A **recent example** of the stories being marginalised can be found in the crucial swing state of Ohio. The US Supreme Court just turned down an appeal from the Republican Secretary of State, Jon Husted, who was trying to shut down early voting.

Husted responded by limiting the hours for voting on the days he was forced to let people vote, to a total of 16 hours over three days. The state enacted an early voting law - signed by a Republican governor - in 2006, following a catastrophic failure in the 2004 elections, which saw some people waiting in lines for more than 10 hours on election day, with tens of thousands estimated to have given up.

"The Court's decision seemed sensible and reasonable," said Harvard historian Alexander Keyssar, author of *The Right To Vote: The Contested History of Democracy in America*. "But it's hard to see Husted's decision as anything other than a partisan tactical decision. It certainly doesn't seem to be encouraging the widest possible participation in a very important election."

Similar practices were commonplace roughly a century ago, according to Keyssar's book. While it's a popular conception that America's history is one of progressively expanding the right to vote to include everyone, our history is much more complicated and morally ambiguous than that.

In the original, 2000 edition, Keyssar described how America had passed through four major

historical periods: The first period, from our founding through roughly the 1850s, was one of expanding the franchise by rolling back property restrictions on white male suffrage.

The second period, through the early 20th century, was dominated by efforts to restrict the electorate, primarily by procedural means, just as Husted was trying to do in Ohio today.

The third period was one of relative quiescence, which only ended with the advent of the Civil Rights Movement and the fourth period, culminating in an historic expansion of the franchise, which is now given lip service by almost everyone.

The Right To Vote was published just as the 2000 election moved into high gear. By the time the election was decided by the Supreme Court, the fourth period was coming to an end, though it wasn't obvious at the time. The closeness of that election helped motivate new restrictive efforts, Keyssar would later argue, but the nature of pattern remained murky even when I interviewed Keyssar in 2004 about the multi-state pattern of voter suppression unfolding in advance of the election.

"I can't say it's unprecedented," Keyssar said. "It is something that is new, and it is semi-organised. It may be fully organised," but at that point, he said, "What we're seeing is characteristic of this fourth period," since no one was advocating rolling back rights, and even the efforts to impede were being hidden and disavowed.

"One could speak of the United States as having something close to universal suffrage in the 1970s, in a broad ideological consensus that every adult citizen should have the right to vote," he explained more recently. That consensus showed no signs of fracturing.

Voter suppression

Eight years later, Keyssar sees things differently, as a new pattern of procedural barriers has intensified dramatically, recalling practices of the second historical period, particularly as it was practiced in the North, where specially-tailored registration requirements and shifting voting times were employed to suppress the votes of urban, mostly immigrant working class voters.

"I think we quite likely are in a different period, where an issue that seemed to be settled by 1970 is unsettled again," Keyssar told me. "I don't think anyone is going to propose that we impose a property restriction, or impose racial restrictions, but I think there is certainly conflict over any measures that would try to guarantee or procedures that would guarantee that the law be made a reality."

In short, if disenfranchising specific groups of voters is politically unacceptable, other means to the same end are now popular. "The distinction between voter suppression and voter disfranchisement is that disfranchisement is what you do when you can actually pass laws that will keep a particular group from voting," Keyssar said.

"Voter suppression is what you do when you really would like to do that, but politically, you can't disfranchise, but you can put obstacles in the way, and thus reduce the participation of

particular groups."

The evidence of such voter-suppression is overwhelming, most notably in the form of dozens of laws creating just such obstacles. A tidal wave of state laws have been proposed to counter this non-existent problem, ever since the 2010 mid-term elections, when Republicans won the largest number of state legislative seats they've ever held since 1928.

Accord to the Brennan Centre for Justice, since the mid-term elections:

- 41 states introduced 180 restrictive laws;
- 34 states introduced photo ID laws;
- 17 states introduced proof of citizenship requirements;
- 16 states introduced bills to limit registration;
- 9 states introduced bills to reduce early voting periods.

Many of these attempted restrictions failed, of course. But many did not. "The last 18 months saw the biggest wave of new voting restrictions in the United States in many decades," Lawrence Norden, deputy director of Democracy Programme, the Brennan Centre, told me.

"Nineteen state legislatures and governors across the country passed new laws making it harder to register to vote, cutting back on early and weekend voting, and requiring government-issued photo ID - which many Americans do not have - in order to cast a ballot that will be counted."

As these laws started to be passed last year, there was only sporadic attention being paid to them, until the Brennan Centre issued a report in October 2011. That helped galvanise activists to fight back, and encouraged journalists to pay more attention, not just to individual laws in individual states, but to the whole pattern of restrictive legislation. The Justice Department and others in the legal community became active as well.

Fraud in rural counties

As a result, Norden noted, "The good news is that many of these laws were beaten back by independent courts and the people." Ticking off the particulars, he noted, "In all, 11 courts in 8 states blocked or seriously weakened the new restrictions. In two states, voters got these new restrictions repealed through the referendum process. And in 5 more states, governors vetoed new restrictions passed by their state legislatures".

Of course, "voter fraud" is a leading rationale. Yet, despite accusations to the contrary, voter fraud cases remain exceedingly rare. The Bush Department of Justice could only find a few scattered cases a year, despite a major effort to find more. It even illegally sought to bring headline-grabbing cases just before the 2006 election, but the effort backfired as several US attorneys refused to go along - a fact that later came out in the scandal that developed around the politicised firing of several of them.

When I asked Keyssar to compare what's happening today to practices in the second period, he said current practices are "remarkably similar to what went on, really, in the north in the late 19th

century. What went on in the South was somewhat different, and much more wholesale, and more commonly violent. But what went on in the North was the same insistence that new procedural safeguards were required to guard against election fraud".

There were parallels in terms of who was being excluded as well, Keyssar noted. "The targets of the new safeguards were the poor, the working class, particularly the immigrant poor and the immigrant working class, and the real goal seemed to be to reduce the vote of immigrant political orgs, what some people called the political machine."

Another similarity is that so-called "good government" groups arose with remarkably similar approaches to what's being pushed today - and with similarly fruitless results. In various cities, "Good government groups developed a suspect list of people they thought were not legitimate voters. But when they investigated, it turned out that most of them were legitimate voters. And they're asking people to bring naturalisation papers, to register every year, and the rationale for the laws was really very, very similar to the rationale now, and the targets were similar, too".

Such are the main similarities. When I asked about differences, Keyssar said that charges of fraud had more credibility back then. "I'm not going to say Boss Tweed ran completely clean elections," as he put it.

But the measures taken didn't really match the allegations made as he went on to explain. "If, for example, you shorten the hours at the polls, close them at sunset. It might correspond to some mythic image that there would more likely be fraud in the dark. But it's not obvious. Whereas, it's certainly obvious that if people worked a 12-hour day, they couldn't get to the polls." Which puts us right back in the realm of similarities once again.

The concern with fraud was also highly selective, Keyssar noted. There were also examples of "large-scale fraud being carried out in rural counties", which never drew reformers' attention. The suppression of urban voters was a pattern that fed into one of the most long-lasting distortions of American democracy, the shaping of state legislative districts to keep power in rural districts, long after they ceased being home to a majority of voters.

This practice was eventually overturned by the Warren Court in a pair of celebrated cases, **Baker v Carr** and **Reynolds v Sims**. These rulings are where the phrase "one person, one vote" entered the modern lexicon, and were cited by Warren himself as his proudest legacy.

Citizen-based voter registration

Keyssar pointed out that gerrymandering alone was enough to maintain minority rule in state legislatures, but to do the same for statewide office - including senators, once they were popularly elected, it was necessary to continue suppressing urban voters indefinitely. And, indeed, US voting levels fell dramatically from 1896 onward. Even today, they remain far lower than other well-established democracies, primarily because millions of poor, minority and young voters remain unregistered.

In retrospect, one more difference between then and now is that good government groups today

are staunch advocates for more people voting. Indeed, Florida's League of Women Voters was one of the main targets of the draconian voter registration law passed there. Until it was struck down by a federal court, the law effectively prevented all citizen-based voter registration.

A Tampa school teacher who routinely registered her students to vote was **threatened with felony charges**, just for doing exactly what she'd been doing for years before the law was put into place. Rather than expose its volunteers to such risks, the League of Voters **suspended its voter registration activities** in Florida for the first time in over 70 years.

As noted before, Keyssar now sees the 2000 election as an important precipitating event in ushering in this return to past bad behaviour. But there's another factor he cites as well - the advent of laws making it easier to register and vote. "The 'motor voter' bill [National Voter Registration Act of 1993] was the best-known federal law," he said, but there were others as well.

"It's that same period you start getting early voting and same-day registration." It was "partly a partisan effort", Keyssar said, and partly reflected a broader, bipartisan about declining turnout that had been building throughout the 1970s and 80s.

"There's a sense of 'there's something wrong with our democracy, we know people aren't voting'," as Keyssar put it. This resulted in expanding ballot access, he noted, "and I think some part of what were seeing in all of these laws the last 10 years is push-back against that".

Indeed, there was push-back even as these laws were being passed. Keyssar himself noted that Bush Senior vetoed the "motor voter" bill when it first was passed. What's more, the law was met with widespread state-level obstruction and opposition, even after courts struck down the legal arguments. This opposition was particularly intense when it came to a less-publicised aspect of the law - Section 7, providing registration forms in public assistance offices, making them available to poorer citizens who often didn't even have driving licences.

Strong racial and class bias

From 1995-96 to 2003-04, the number of these registrations **dropped by almost 60 per cent** - from 2.6 million to just over 1 million. In 11 states, the decline in registration at public assistance agencies topped 80 per cent. It then **plummeted by half** from this already low level in the 2005/2006 cycle, before bouncing back in 2009-2010, when the drop-off from 1995-96 was just 57 per cent.

The two-decade history of resistance to the NVRA, particularly registering low-income voters, gives the lie to conservative claims that their concern is with protecting "election integrity". It demonstrates an ongoing willingness to deny voting rights to groups whose power they wish to diminish, which was already well in place long before the 2010 mid-terms gave them the opportunity to pass a tsunami of new laws.

It cannot be stressed too often: Unlike other countries, the US has a strong racial and class bias in

the composition of its electorate. Habitual non-voters are more Democratic and more social democratic than habitual voters are, so the GOP has a vested interest in keeping the electorate as limited as possible.

It's no accident that Obama's election brought record numbers of young and minority voters to the polls, or that Republicans did remarkably well in the 2010 midterms, with a much smaller, whiter, and older electorate. The fact that they then turned around and used that anomalous election result to dramatically limit the electorate moving forward is perfectly consistent with how conservatives practice politics like a branch of war, while liberals practice it more like a game of croquet.

If the election is as close as many believe, the outcome - as in 2000, and probably 2004 as well - could well fall within what some call the "margin of suppression". And if it does so, the so-called "liberal media", which has largely ignored this story, will have to shoulder a substantial share of the blame.

But conservatives - as always - are playing a long game here. Win or lose the 2012 election, voter suppression combined with *Citizens United* spells the potential dawn of a new dark age in American politics, with those on the bottom having less than zero say in how they are governed. To fight back against such a dark future, progressives must first begin to figure out that a war is going on. If you *only* fight battles, you're bound to lose the war.