

Lesson:

How do you feel about this analysis of the Obama first election? Why?

Now that you know how the voter ID laws came to be, so you think they're fair?

Do you understand how the Supreme Court undid the Voting Rights Act? Which part? How did that affect some states?

How would you feel if it took you three hours each way to get to a DMV office to get a voter ID if you didn't drive and there was no public transport?

Do you think it's fair? Which states pushed for the voter ID laws? What were their voting plurality?

Do you know of other laws that ALEC pushed. Who belongs to Alec? Is it really a non-profit?

How is it financed?

Do you think we need a reformed voting system? How would you design it?



White Rage: How the GOP Set Out to Unelect the U.S.'s First Black President

In response to Obama's success, a stunned GOP reached for a tried and true weapon: voter disenfranchisement.

By [Carol Anderson](#) / [Bloomsbury USA](#)

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The following is an excerpt from the book [White Rage: The Unspoken Truth of Our Racial Divide](#) by Carol Anderson (2016). Published with permission of Bloomsbury USA. Copyright © Carol Anderson 2016.

On November 4, 2008, the United States seemed to be crossing the racial Rubicon. For a brief moment, the mirage of hope hung in the air, mesmerizing those not just in the United States but also around the world. Barack Obama's historic presidential victory led an observer in Tehran to note, "The country that they called 'the great Satan,' [declaring] it the symbol of all kinds of tyranny, has enough respect for democratic values that [it has] allowed a black candidate to come this far and even become a president." And from Moscow: "The U.S.,

that is a country that is really majestic... I feel it is a country where everything is possible.” Nobel Peace Prize winner Desmond Tutu agreed. Obama’s victory, he said, told “people of color that for them, the sky is the limit.” CHANGE HAS COME TO AMERICA blazed the headline in the *Philadelphia Inquirer*.

Not everyone was ecstatic. As the Republican postmortems on the election poured in, it immediately became apparent that the voting patterns spelled trouble for the GOP. Obama had captured a significantly higher share of the white vote than John Kerry had managed to secure in the 2004 election. Moreover, 66 percent of Hispanics voted overwhelmingly for Barack Obama, not to mention 62 percent of Asians, 56 percent of women, 66 percent of voters under thirty years of age, and 95 percent of African Americans. The last of these, in some ways, was to be expected. What wasn’t anticipated, however, was that for the first time in history, the black voter turnout rate nearly equaled that of whites.

The only demographics John McCain could claim to have run away with were the elderly white and evangelical Christian vote. And therein lay the problem; for those sectors of the American voting population are not growing. Republican South Carolina senator Lindsey Graham, taking stock of the nearly inevitable demographic apocalypse, put it best: “We’re not generating enough angry white guys to stay in business for the long term.”

This dawning of demographic extinction was all the more troubling because the largest percentage of eligible voters in forty years had cast a ballot in the 2008 election. It was not only a record turnout; it was one that delivered an 8.5 million vote differential in Obama’s favor, with 15 million new voters overall. “It’s a bad thing for Republicans when you drill down into all these states, and see lots of new voters, newcomers,” groaned Rich Lowry, editor of the conservative *National Review*. “It’s like, where did all the Republicans go? Did they move to Utah?”

This was no idle question either, because the surge in voters came from all across the racial and ethnic ranks—blacks, Latinos, and Asians—of which only 8 percent identified as Republican. While the number of whites who voted remained roughly the same as it had been in the 2004 election, two million more African Americans, two million additional Hispanics, and six hundred thousand more Asians cast their ballots in 2008. Even more unsettling to the GOP was the youth and relative poverty of those who had now joined the ranks of voters. Those making less than fifteen thousand dollars a year nearly doubled their turnout to the polls, going from 18 percent in 2004 to 34 percent in 2008. And naturally these new voters had a policy agenda that favored a greater role for government in making education affordable and accessible, using the might of the federal government to institute a program to rebuild the nation’s infrastructure, and raising the minimum wage to begin to put in place elements that could increase the quality of life for millions of Americans.

The ardent supporters of McCain were simply not, as census projections soon enough confirmed, on the demographic ascendant. As a consequence, they were on the verge of losing both their electoral clout and the ability to control key public offices that could maintain the status quo. Meanwhile, first-time voters cast almost 69 percent of their ballots for Obama. While that reality could have—or more to the point *should* have—signaled an opportunity for the GOP to reexamine its platform, the sclerotic hardening of the “conservative” notions that moved the Republican Party from centrist right to right-wing made it increasingly difficult if not impossible to adapt the GOP’s policies to address the overriding concerns of this wave of newly engaged voters. One party official, while offering assurances that racism wasn’t the driving motivation, admitted, “It’s simply that the Republican Party gave up a long time ago ever believing that anything they did would get minorities to vote for them.” Trapped between a demographically declining support base and an ideological straitjacket that made the party not only unresponsive but also unpalatable to millions of Americans, the GOP reached for a tried and true weapon: disfranchisement.

Once it became clear that the voter turnout rate of blacks had nearly equaled that of whites, as Penda Hair of the progressive Advancement Project has noted, “Conservatives were looking at it and saying ‘We’ve got to clamp things down.’ They’d always tried to suppress the black vote, but it was then that they came up with new schemes.” Those efforts hid the anger and determination behind a legitimate-sounding, noteworthy concern: protecting the integrity of the ballot box from voter fraud. Still, Paul Weyrich, a conservative activist and the founder of the American Legislative Exchange Council (ALEC), was explicit early on: “I don’t want everybody to vote,” he said, noting that the GOP’s “leverage in the elections quite candidly goes up as the voting populace

goes down.” But with fifteen million new voters already and with African Americans exercising their citizenship rights at rates virtually equal to whites, something had to be done. That is where ALEC stepped in to draft “model voter-ID legislation... that... popped up in very similar form in states like Pennsylvania and Texas and Wisconsin.” These laws require, among other things, particular types of identification that—properly and mercilessly applied—make it difficult for African Americans and others to vote.

Hans von Spakovsky, a former George W. Bush appointee to the Federal Election Commission and one of the primary catalysts behind the new intensified wave of voter suppression, actually took umbrage that anyone would call the nationwide efforts to crack down on supposed irregularities at the polls a “restoration of Jim Crow.” Just as African Americans’ so-called genetically induced moral and intellectual failings provided the rationale for Jim Crow, the GOP created a similar series of hypotheses to rationalize voter suppression. The Southern Strategy’s long-term efforts to link the Democratic Party with blacks and to make African American synonymous with crime, thus made tying Democrats to widespread fraud a simple, logical leap. “Corruption, election fraud, and Democrats,” one man noted, “they went hand-in-hand-in-hand.”

Obama’s victory, by this line of interpretation, was not the result of a brilliant strategy, that had already outmaneuvered the Clinton juggernaut by energizing the youth and the poor to believe that they had an actual stake in America, but rather the sordid outcome of a brazenly stolen election tied directly to all those new voters. Key to this charge was the Association of Community Organizations for Reform Now (ACORN), a community-based group that had launched extensive voter registration drives throughout the country.

Even before the first vote was cast, McCain accused ACORN of “perpetrating one of the greatest frauds in voter history in this country, maybe destroying the fabric of democracy.” By the time the election was over, as *Newsweek*’s Katie Connolly reported, “a 52% majority of GOP voters nationally [thought] that ACORN stole the presidential election for Barack Obama last year, with only 27% granting that he won it legitimately.”

ACORN was many things, but a well-oiled machine able to pull off nationwide voter fraud was not one of them. In this case, it was terribly sloppy, lacking either rigorous oversight or a check-and-balance system for those the organization had hired. ACORN had in its ranks several employees who, wanting a paycheck but not willing to do the hard work of registering voters, chose the path of least effort and faked voter registration cards. The law nonetheless requires that all cards be submitted to local election officials, which meant that even those obviously bogus ones could not be thrown in the trash. Hence, Mickey Mouse apparently wanted to vote, as did Jive Turkey. This debacle was tailor-made to fuel the narrative of widespread voter ID fraud. Stoking the flames further yet was Obama’s previous work, years earlier, with an affiliate of ACORN.

Oddly enough, ACORN had already been investigated extensively by the George W. Bush administration, which had pressured U.S. attorneys to find evidence of fraud. No matter how hard they tried, though, they simply couldn’t. And when some of the attorneys in the Department of Justice refused to throw suspicion on Democratic candidates by filing half-baked or trumped-up charges of voter registration fraud, especially before an election, they were summarily fired.

There have been proven instances of vote fraud in the past, but those cases involved election officials' wrongdoing or the manipulation of absentee ballots. The kind of voter registration fraud that seized the imagination of GOP activists, on the other hand, which is based on stealing someone's identity or creating a fake persona to cast a ballot, thus altering the results of an election, is in fact very rare. The convoluted scheme is not used because "it is an exceedingly dumb strategy." To have real impact would require an improbable conspiracy involving millions of people. Robert Brandon, president of the Fair Elections Legal Network, notes, "You can't steal an election one person at a time. You can by stuffing ballot boxes—but voter I.D.s won't stop that."

Protecting the integrity of the ballot box, however, is not nor has it ever been the issue. Rather, the goal has been to intimidate and harass key populations to keep them away from the polls. It is a bit more sophisticated than in the days of Mississippi senator Theodore Bilbo's 1946 call to arms to get a rope and a match to keep blacks away from the voting booth, but the intent is the same.

Over time, disfranchisement has become more subtle, more palatable, and more sophisticated. In 1962, while in Arizona, William Rehnquist, who was subsequently appointed by Nixon to the Supreme Court and, under Ronald Reagan, elevated to chief justice, had begun to perfect new methods of voter intimidation—elements of which gained widespread usage in the twenty-first century. First, Rehnquist's group of Republican stalwarts sent "do not forward" mail to residents in Democratic strongholds. Then, based on the faulty premise that returned cards meant the person was no longer in the district, on Election Day his troops questioned the legitimacy of the voter based on nothing more substantial than returned mail, and demanded that the mostly black and Hispanic population prove that they could read and write by interpreting portions of the Constitution.

Obama's election sent similar efforts into overdrive. The pillorying of ACORN, in particular, allowed the fearful specter of voter fraud to be raised, leading to a bevy of "protect the ballot box" initiatives. In Wisconsin, for instance, a rigorous voter ID law was passed in the wake of charges of rampant fraud at the polls. But in a state with more than 3.4 million registered voters, the 10 to 12 people convicted of voter fraud each year were usually ex-felons, who simply sought to cast a ballot before their voting rights had been restored. Even the Bush campaign's concerted drive to find rampant voter fraud throughout the nation uncovered that out of the 197 million votes cast for federal candidates between 2002 and 2005, all of 26 convictions or guilty pleas were registered—roughly .0000013 percent of the tallied ballots.

Each restriction and requirement crafted and pushed through Republican-dominated state legislatures and signed off by Republican governors was carefully aimed at the population of voters who had helped put a black man in the White House. The goal, as one Mitt Romney supporter expressed in 2012, was to "Put the White Back in the White House." And those efforts turned poor whites, students, and the elderly into collateral damage that got caught in the blowback.

One of the most onerous if innocuous-sounding changes is the requirement for government-issued photo IDs in order to vote. In Texas, that makes more than one million student IDs ineligible while concealed weapons permits are valid. Missouri congressman Emanuel Cleaver could only say in disgust, "You have to be a very mean-spirited and ideologically warped person to believe that this is right and that this is fair." The Brennan Center for Justice estimates that as "many as 12 percent of eligible voters nationwide may not have government-issued photo ID," and that "percentage is likely even higher for students, seniors and people of color." In fact, a joint report by the NAACP and the NAACP Legal Defense and Educational Fund emphasized the "alarming" impact of the law. The ID requirement would eliminate more than six million African American voters and nearly three million Latinos. And while that is roughly 25 percent of black and 16 percent of Latino voters, "only 8% of whites are without a current government-issued photo ID."

Nor is the obvious solution of securing an ID that simple. Georgia's laws, for instance, are instructive about the economic impact of proving one's right to vote. The state requires three separate categories of documentation to secure a government-issued photo ID. The first is proof of citizenship, which overwhelmingly requires either a birth certificate or a passport, but the cost of the latter (which for the working poor is roughly 10 percent of one month's take-home pay) puts that out of reach for many. Up to 13 million American citizens do not have ready access to citizenship documents, the Brennan Center reports, and this phenomenon is highly correlated with minorities, the poor, and the elderly.

Second, Georgia requires documentation of the prospective voter's social security number, which is either the card itself or a W-2, the latter of which requires a job. In 2011, black unemployment in Georgia was 16.4 percent. In the capital city of Atlanta, nearly one fourth of all African Americans were unemployed, compared with just 3.1 percent of whites. Access to a W-2, then, bears strong and fairly obvious racial implications.

Finally, Georgia requires for proof of residence two addressed items of mail, generally, a bank statement and a utility bill. More than 20 percent of African Americans, as compared with 3 percent of whites, do not have a bank account. Due to the changes in the economy and the need to pool limited resources, almost 6 percent of all families in the United States are in multigenerational households. African Americans, those younger than thirty-five years old, as well as Asians and Latinos, are overly represented in this type of living arrangement. Regardless of the number of adults in a home, only one name appears on the utility bills, making it difficult for the others to prove they actually live there.

Wisconsin took another tack when Republican governor Scott Walker championed a bill requiring a government-issued photo ID to vote, and then proceeded to close the Department of Motor Vehicles in areas with Democratic voters while simultaneously extending the hours in Republican strongholds. And "this in a state in which half of blacks and Hispanics are estimated to lack a driver's license and a quarter of its DMV offices are open less than one day per month." In Texas, there are no ID-issuing offices in fully a third of its counties. Alabama, while enacting a voter ID law in 2011, subsequently shut down DMV offices in its Black Belt counties, the very ones that overwhelmingly voted for Obama in the 2012 election. Facing a national uproar after announcing the closures, Governor Robert Bentley backtracked, but ever so slightly. Alabama agreed to allow the DMV offices in the Black Belt counties to be open at least one day a month.

The Republicans in Pennsylvania pushed through a rigorous voter ID law and then failed to follow through on a pledge to provide free IDs for those who couldn't afford them. Nor did Pennsylvania establish enough mobile units to get to residents, particularly those in rural areas. Issuing a stinging rebuke, state judge Bernard McGinley declared that since Pennsylvania required the IDs, it now needed to provide the means for the state's citizens to obtain what had essentially become the passport to the vote. The judge noted the scarcity of mobile units and the fact that many of the license offices were open only a few days a week, which had created lengthy wait times and virtual inaccessibility and, therefore, placed "an unreasonable burden on people trying to exercise their right to vote."

In another ploy toward disfranchisement, efforts were made to eliminate or greatly curtail early voting, essential for those unable to leave work on a Tuesday to vote. This has created significant difficulties for people who have jobs where one must punch the clock, take no more than an hour for lunch, and travel miles away from where one resides, and where one's polling place is therefore located. On Election Day, moreover, the lines at the voting precincts in key neighborhoods have been notoriously long. Six to twelve-hour waits in line were reported in the 2008 election, and, as a recent Brennan Center study found, predominately African American and Latino precincts experienced longer wait times because the government allocated fewer operable machines and

staff to those polling places. Early voting had provided one important and demonstrably successful solution—and that was the problem.

Once Florida governor Rick Scott took office in 2011, he and a group of GOP consultants discerned the pathways African Americans used to exercise the right to vote and promptly set out to shut those routes down. In Atwater-esque language, Scott explained that this was about protecting the integrity of the ballot box and democracy by making it more difficult to commit “voter fraud.” Scott not only slashed early voting from two weeks to eight days; he also eliminated the opportunity to vote the Sunday immediately before Election Day. This was a calculated hit. Statewide in 2008, blacks made up more than one third of those who voted on the preceding Sunday. And, in Palm Beach County, more than 60 percent of those voting early were African Americans, many of whom had boarded buses right after church to cast their ballots. Eliminating that pathway to the polls was high on the priority hit list, one Republican remarked: “I know that the cutting out of the Sunday before Election Day was one of their targets only because that’s a big day when the black churches organize themselves,” he said, giving lie to Scott’s insistence that this was about eliminating “voter fraud.”

Another device in the disfranchisement tool kit was a tactic that Rehnquist had used years earlier in Arizona: sending out mass mailings to minority neighborhoods, waiting for the “return to sender” cards to come back, then checking those names against public voting rolls in order to demand a purge of those names. Florida has been one of the most aggressive states to adopt this procedure, using records from the Department of Motor Vehicles to identify and scrub 180,000 names from the voter rolls. More important, it began this purge just months before the upcoming 2012 presidential election, limiting the opportunity for individuals to verify the reliability of the redacted list. Voters showed up at the polls only to find that their names were nowhere to be found. They had been disfranchised. Indeed, after the election, Florida’s secretary of state identified only 85 names (out of the original 180,000) that should have been removed from the list.

Such voter-roll purges were fully supported by the updated version of Rehnquist’s Army of Challengers. The modern incarnation, True the Vote, was founded in Texas—born of the Tea Party—and defines itself as a citizen-based group committed to “free and fair elections for all Americans.” Using a flawed database and even Facebook, True the Vote members pore over public lists of registered voters, identify those whose names or addresses don’t match up perfectly with their own records, and then set out to challenge those marked on their list as frauds to cast a ballot. They often target the multigenerational households that are more common in African American, Hispanic, and Asian families, arguing that an address with a number of adults who have registered to vote has to be bogus. True the Vote poll watchers have been conspicuously present in black precincts on Election Day, taking notes, ruffling feathers, challenging voters, clogging the lines, causing delays, frustrating voters who then leave without casting a ballot, ignoring warnings from election officials, and looking for any evidence of supposed ACORN-like fraud.

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