

Bill of Rights in Action



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THE ARAB SPRING AND THE CHALLENGE OF NATION-BUILDING



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Demonstrators on an army truck in Tahrir Square in Cairo, Egypt, in January 2011. Egyptian President Hosni Mubarak resigned the following month.

The series of popular uprisings known as the Arab Spring began in 2011. They quickly toppled the autocratic governments of Tunisia, Egypt, Libya, and Yemen and sparked mass protests throughout the Middle East and North Africa. They set off a civil war in Syria. Most observers agree that the rapid political upheaval that began in 2011 ended with the crushing of revolt in Syria in 2012. But the core issues at the heart of the Arab Spring remain.

The Syrian civil war set off by the Arab Spring has had especially dire consequences. The war itself has killed more than half-a-million people. According to relief agencies, the ensuing refugee crisis has been the worst since World War II, with more than 13.5 million of Syria's 18.4 million people — or 73 percent — displaced by the conflict there.

Despite this, stirrings of the Arab Spring continue in Algeria, Jordan, and the occupied Palestinian territories where near-weekly protests against government mismanagement continue. That the regime of Syrian dictator Bashar al-Assad survived thanks to a relentless campaign of Russian airstrikes brings the story of the Arab Spring full circle — to a history mired by external powers seeking to control the region's oil wealth and its more than 400 million people.

Like so many powerful stories, though, the Arab Spring began with a single human act.

The Spark

By all accounts, Mohamed Bouazizi, a 26-year-old street vendor from a small town in central Tunisia, kept

DEMOCRATIC STRUGGLES

The first article in this issue analyzes the Arab Spring of 2011-2012 and the challenges of democratic reform in repressive states. The second article takes a close look at an important 2018 U.S. Supreme Court decision on the controversies of states purging names from voter rolls. The third article outlines the problem of voter suppression in U.S. history and possible solutions.

World History: *The Arab Spring and the Challenge of Nation-Building* by Samer Badawi, a contributor to +972 Magazine

U.S. Government/Current Issues: *Purged From the Voter Rolls: Husted v. A. Philip Randolph Institute* by Senior Editor Damon Huss and CRF Law School Intern Christine Cheung

U.S. History: *Suppressing the Vote* by longtime contributor Carlton Martz



Women and men mourning their sons who died during the Arab Spring uprisings in Tunisia in April 2011.

to himself, selling fruit from a simple cart. It was the kind of work he had done since the age of ten to support his widowed mother and five siblings.

On December 17, 2010, on an otherwise ordinary day, a government inspector harassed Bouazizi and threatened to confiscate his fruit. When Bouazizi resisted, the official slapped him and seized his property anyway.

Despite several attempts to log a complaint with municipal agencies that morning, Bouazizi was beaten twice. He was unable to retrieve the few possessions with which he earned his meager living. Humiliated and ignored, he stood outside the local governor's office, doused his clothes in paint thinner, and tragically set himself on fire.

When Bouazizi died from his burns less than three weeks later, massive protests erupted throughout Tunisia. The protests toppled the 21-year regime of Zine El Abidine Ben Ali in just 10 days. The Arab Spring was born.

The Kindling

Just three weeks after Bouazizi's death, on January 4, 2011, another outpouring of protest began in Cairo, capital of the Arab world's most populous country, Egypt. Hosni Mubarak had ruled there for nearly three decades.

Most of Mubarak's rule was under a so-called Emergency Law, instituted by Mubarak's predecessor. It ef-

fectively criminalized any political activity not sanctioned by the government. This left Egyptians with no independent press, no protections against arbitrary detention, and no way to organize against the government without risking arrest, torture, or worse.

It was little wonder, then, that when an estimated half-a-million citizens packed Cairo's Tahrir Square on January 25, 2011, to demand Mubarak's ouster, the government was caught completely off-guard. Confrontations between the military and protesters cost more than 800 lives.

By February 11, Mubarak was forced to resign. It was an outcome so unthinkable just weeks earlier that

Wael Ghonim: Spokesman for a Revolution

Writing in 2011, just two months after protesters forced Egypt's longtime dictator Hosni Mubarak to step down, veteran Egyptian diplomat Mohamed ElBaradei penned this profile of Wael Ghonim, one of the leaders of the Egyptian revolution, for Time magazine, which had named Ghonim one of the year's "Time 100" for his role in the country's revolution.

Wael Ghonim embodies the youth who constitute the majority of Egyptian society – a young man who excelled and became a Google executive but, as with many of his generation, remained apolitical due to loss of hope that things could change in a society permeated for decades with a culture of fear.

Over the past few years, Wael, 30, began working outside the box to make his peers understand that only their unstoppable people power could effect real change. He quickly grasped that social media, notably Facebook, were emerging as the most powerful communication tools to mobilize and develop ideas.

...

The response was miraculous: a movement that started with thousands on Jan. 25 ended with 12 million Egyptians removing Hosni Mubarak and his regime. What Wael and the young Egyptians did spread like wildfire across the Arab world. . . .

Wael Ghonim



Egyptian Vice President Omar Suleiman, announcing the resignation on state television, pronounced, “May God help everybody.”

To understand how so many Egyptians managed to organize such a massive show of grassroots civil disobedience — one that became known as the “Twitter Revolution” — we first have to understand what economists call the Arab world’s “youth bulge.”

According to the World Bank, working-age men and women under the age of 30 comprise up to 65 percent of the Arab world. As many as 40 percent of them are unemployed. Analysts estimate that the region needs to create some 80 million new jobs in the next 15 years alone to simply maintain this status quo. At the same time, with jobs scarce, these unemployed millions have little access to financial services — like affordable loans or safe places to save (i.e., banks) — that might allow them to start and grow their own small businesses.

Mohamed Bouazizi was among the 80 percent of the Arab world that does not have access to a bank account. That statistic, in part, explains why the World Bank ranks the Middle East and North Africa last among the six regions it measures for “financial inclusion.” In practice, this means that only five percent of adults in the region have access to formal loans that can help them weather financial hardship, finance schooling, or start their own businesses.

Combine this lack of opportunity with a regional poverty rate exceeding 50 percent, and the Tunisian and Egyptian revolutions were bound to be just the beginning of the Arab Spring. Many hoped that the ensuing uprisings would result in widespread nation-building, or the creation of new, unified states after the toppling of old regimes.

The Fire

By October 2011, Libyan dictator Muammar Gaddafi was gone, and fighting had broken out in Yemen and Bahrain. Previously unheard-of protests were being reported in Jordan and Saudi Arabia, too, where absolute monarchies showed no tolerance for political dissent. But no country was to leave as lasting a mark on the Arab Spring as Syria.

Peaceful protests there, which began in March 2011, were met with a brutal response by the Assad



The death of Muammar Gaddafi in October 2011 made worldwide headlines. Here his name is alternately spelled Kadhafi and Qaddafi.

regime, which vowed to maintain power at all costs. Assad himself, along with his late father, Hafez, who ruled Syria for 29 years, hails from a minority sect, the Druze, which claims close ties to Iran and its *shia* branch of Islam.

What began as an uprising quickly devolved into a brutal civil war, fueled by outside interests. The historical kinship between the Druze and shia Islam prompted the Iranian government to lend financial and material support to the Assad regime, including through its proxy Lebanese militia Hezbollah. In neighboring Saudi Arabia, the majority of the population belongs to the *sunni* branch of Islam. With Iran involved in Syria, the Saudis began bankrolling opposition to the Assad regime.

Making matters worse, Saudi funds reportedly went to extremist groups early in the conflict, giving Assad and his military an excuse to target civilian areas — all in the name of “fighting terrorism.” Saudi-funded groups also splintered into other militias, some with allegiances to neighboring Turkey, where the government there feared that a large population of minority Kurds along the border would destabilize the country.

Out of this complex web of battling groups emerged the Islamic State of Iraq and Syria, or ISIS, a group that sought to reestablish an Islamic Caliphate in the Middle East. The group’s tactics were horrifying, leading to widespread condemnation from the international community and helping to forge a consensus around the aim of destroying ISIS.

Assad made a point of casting himself as a champion of that cause, successfully branding any opposition

Tunisian and Egyptian revolutions were bound to be just the beginning of the Arab Spring.



Russian President Vladimir Putin (l) greets Syrian President Bashar al-Assad (r) in Russia in May, 2018

to his regime as “terror.” The Syrian dictator found a willing ally in Russian President Vladimir Putin, who dispatched fighter planes to the region and established airbases with Assad’s consent. The ensuing air war exacted a devastating toll on Syria’s civilian population, pushing the casualty numbers past half-a-million and leveling entire towns and cities to the ground.

Facing a growing influx of refugees from this humanitarian catastrophe, European powers, which had earlier called for Assad to step down, began signaling their willingness to once again accept the regime as Syria’s legitimate government. At the same time, Putin’s seemingly permanent military presence in the country tempered the United States’ earlier insistence that, in the words of President Barack Obama, “Assad must go.”

Eight years later, there is little doubt that what began as pro-democracy protests in Syria have been crushed, taking with them the Arab Spring that inspired them.

The Aftermath

Amid the tragedy of Syria, much of the hope inspired by the Arab Spring has been rolled back by a return to autocracy and the political and economic duress it helps to maintain. In Egypt, the democratically elected government that followed Mubarak’s fall was removed in a coup by military strongman Abdel Fattah el-Sisi. The Emergency Law continues, and government forces routinely silence dissent through arbitrary arrests and indiscriminate violence.

At the same time, the core issues at the heart of the Arab Spring — disengaged youth, unemployment, widespread poverty, and a lack of economic opportunity — remain, suggesting ongoing volatility and the prospect of more instability. Could a second Arab Spring be in the offing? What does the Arab world’s experiment with democracy reveal about the challenges of nation-building? These and other questions may define America’s response to pro-democracy movements for years to come.

WRITING & DISCUSSION

1. How did the experience of Muhammad Bouazizi begin the Arab Spring? Do you think he had other options for his protest than setting himself on fire?
2. Describe the humanitarian catastrophe of Syrian refugees. What more should the United States do to help resolve the catastrophe?
3. How successful was the Arab Spring as an example of nation-building? Use evidence from the text to support your answer.

ACTIVITY: Economic or Political?

- A. Form small groups of four students each.
- B. Each group will deliberate on the following question: *Did the Arab Spring primarily have economic or political causes?*
- C. To deliberate, each person in each group should (1) use evidence from the article to support their answer, (2) listen while others are talking, and (3) have an opportunity to speak and be heard. No one should speak twice until everyone has spoken once. See if there are any areas of shared understanding among the members of your group.
- D. Each group should choose a spokesperson. Once groups have deliberated on the question, each spokesperson should share his or her group’s decision about the deliberation question, as well as the main reasons and evidence from the text to support those reasons.
- E. After all groups have reported out, hold a whole-class discussion on the deliberation question.



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PURGED FROM THE VOTER ROLLS: *HUSTED V. A. PHILIP RANDOLPH INSTITUTE*



(AFGE/Flickr, used under a CC BY 2.0 license)

Members of the American Federation of Government Employees labor union demonstrate in support of the A. Philip Randolph Institute at the U.S. Supreme Court on the day of oral arguments in the *Husted* case in January 2018.

What if you were registered to vote but missed an election? What if you missed elections for six years? Would it be fair for your state to then deny your eligibility to vote? The Supreme Court had to decide this issue when an Ohio man tried to vote but couldn't in 2015.

Larry Harmon is a U.S. Navy veteran. He has lived at the same address in Ohio for over 16 years. Harmon normally votes in presidential elections, but in 2012, he decided not to vote because he did not like either Barack Obama or Mitt Romney. However, a ballot initiative about legalizing cannabis brought him to the polls in 2015, and he looked forward to making a difference with his vote.

Unfortunately, when Harmon arrived at his local polling place, he was shocked to find that his name did not appear on the list of registered voters. Harmon discovered that his name did not appear because he had not voted since the presidential election of 2008.

Under Ohio law, if a resident has not voted in two years, then the Ohio secretary of state sends

that resident a notice asking the resident to confirm his or her address. The state provides the resident with a pre-stamped return card. If the resident responds, then they remain on the state's voting lists (aka voter rolls). If the resident does not respond, and if the resident then does not vote for two more federal election cycles (four years), then the state assumes the resident has moved. The state then removes the resident from the voter rolls.

The state had sent Harmon the required notice in 2011 to confirm his eligibility. Harmon did not mail back the return card, so his name was removed from the voter rolls. Harmon, however, did not remember receiving the notice. Moreover, he thought it was unfair for the state to remove his name from the list of eligible voters simply because he had not voted for a few years.

Harmon sued Ohio's secretary of state, Jon Husted, in federal court. Harmon was joined as a plaintiff by the A. Philip Randolph Institute (APRI), a civil rights

Vocabulary

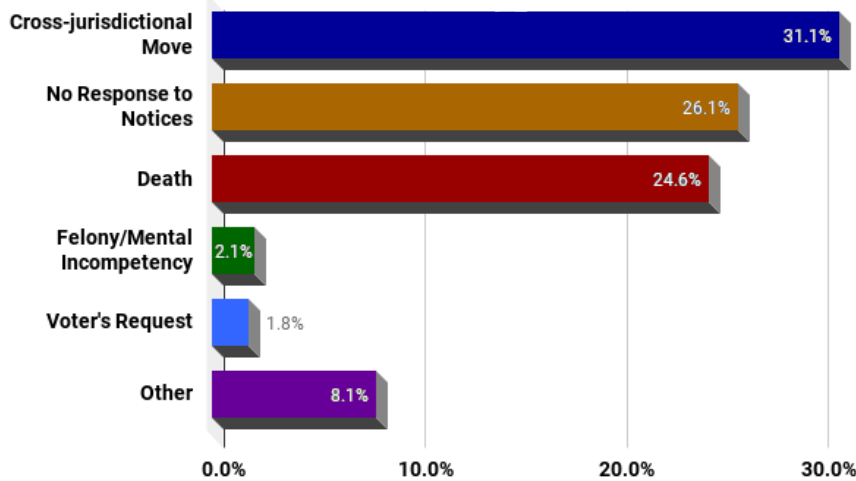
disenfranchisement (n.) - removal of a person's eligibility to vote in elections.

poll (n.) - the place where a voter shows up to vote on Election Day; also called a polling place.

regulation (n.) - a government's rule controlling a procedure; a rule of an executive agency that has the force of law.

voter roll (n.) - a list of people eligible to vote in an electoral district; also called a voting list.

Reason for Removal from Registration Rolls Nationwide, 2016



Source: 2016 National Voter Registration Act Survey, Election Assistance Commission

organization. (A. Philip Randolph was a labor leader and organizer during the civil rights movement.) The case involved federal law.

Federal Voter Registration Law

In 1993, Congress passed the National Voter Registration Act (NVRA). The law had four purposes:

- to increase the number of registered voters;
- to enhance the participation of voters in federal elections;
- to protect the integrity of elections; and
- to help states keep accurate lists of registered voters.

To fulfill the fourth purpose, the NVRA requires states to make reasonable efforts to remove the names of voters who have died or changed residence (moved) without re-registering to vote. Those voters are ineligible to vote.

The NVRA provides specific procedures for voters who change residence, which can seem a little tricky at first. Under the law, a state may not remove a voter's name based on change-of-residence unless the voter does one of two things. Either the voter confirms in writing (usually with a form from the post

office) that he or she has moved, or else the voter fails to mail in a preaddressed, postage-paid return card issued by the state. The voter will still have a chance to vote in the next two federal elections instead of mailing back the card, and the card must inform the voter of that option.

The idea behind the NVRA is that if a voter fails to mail back the return card and fails to vote in one of the next two federal elections, the state can assume the person has moved. But the NVRA explicitly bars any state from removing someone's name from a voter roll

"by reason of the person's failure to vote" (the failure-to-vote clause).

In response to the NVRA, states adopted various programs to remove ineligible voters from their official lists based on change-of-residence. Thirty-six states followed the first option set out by the NVRA: allowing residents to submit change-of-address information with the U.S. Postal Service. Ohio opted to have return cards by mail and monitor residents' failure to respond and failure to vote.

At trial in district court, the plaintiffs argued that Ohio's program violated the NVRA's failure-to-vote clause. They argued that a person's failure to vote illegally triggers the removal process by triggering the mailing of the return card. Husted countered that Ohio's procedures mirrored the NVRA's procedures and never removed anyone based "solely" on the failure to vote.

The district court agreed with Husted and ruled in his favor. The plaintiffs appealed, and the Sixth Circuit Court of Appeals reversed the district court's decision. Husted then appealed the case to the U.S. Supreme Court.

Indiana's Photo ID

The state of Indiana passed a bill requiring voters to show a photo ID to vote. Democrats opposed the bill, arguing that it disproportionately affected poorer voters who could not afford the expense of getting photo IDs. Republicans argued that it would prevent fraudulent voting. The photo ID bill was upheld by the Seventh Circuit Court of Appeals. In 2008, the U.S. Supreme Court also upheld the photo ID bill.

Judge Richard Posner, a judge appointed by Republican President Ronald Reagan, was on the Seventh Circuit Court of Appeals and voted in favor of the photo ID law. Writing in 2013, however, he said he had gotten it wrong:

There is only one motivation for imposing burdens on voting that are ostensibly designed to discourage voter-impersonation fraud, and that is to discourage voting by persons likely to vote against the party responsible for imposing the burdens.



Rob Crandall / Alamy Stock Photo

The Majority Opinion

In June 2018, the U.S. Supreme Court issued a 5-4 opinion written by Justice Samuel Alito. The court held that Ohio's change-of-residence removal program did not violate the NVRA. Justices Thomas, Gorsuch, Roberts, and Kennedy joined Alito's opinion. The majority on the court identified the "most important part" of the NVRA regulations as the "prior notice obligation."

According to the majority opinion, Ohio's program satisfied the prior-notice obligation by sending the pre-stamped return cards to residents before it started the clock on four years of failing to vote. It removed a resident from the voting lists *only* after that four years. Justice Alito also wrote that "no provision of federal law" specified how a state may send a return card. Different states have adopted different programs for removing ineligible voters from their lists, and all of them are valid. For example, the NVRA states that sending return cards to those who have submitted change-of-address information to the U.S. Postal Service suffices. Likewise, states may send notices to every registered voter over intervals of time. Ohio opted for the method of sending cards to those who have not voted for some period of time. All of these methods were legal, according to the court.

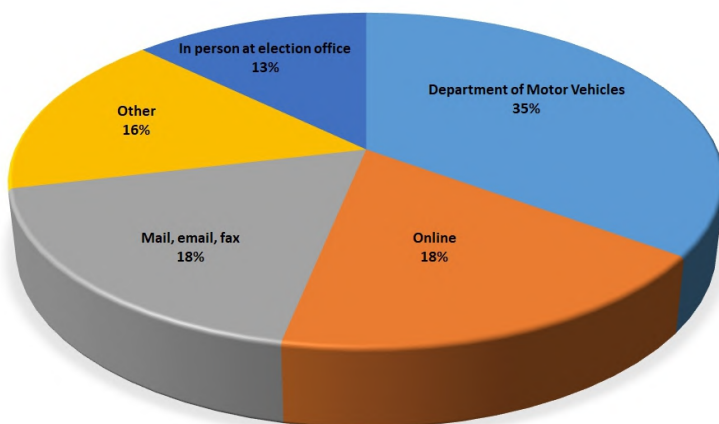
The Supreme Court held that the reason for sending the return card was not important. A state's program only violates the NVRA if, after the card is mailed and the resident does not reply, the state does not wait the mandated two general elections (four years) before removing the voter from the official lists. Thus, the Supreme Court held that Ohio's program follows the NVRA "to the letter."

Justice Clarence Thomas wrote a concurring opinion. He agreed with the majority's conclusion. But he added that he thought that there was a fundamental constitutional issue at play. In his view, the majority opinion avoided constitutional concerns, but according to him, under the Constitution, "States have the exclusive authority to set voter qualifications."

Dissenting Opinions

Justice Stephen Breyer, joined by Justices Ginsburg, Sotomayor, and Kagan, dissented from the majority opinion in this case. According to Justice Breyer, the failure-to-vote clause of the NVRA "generally prohibits" states from using registrants' failure to vote as a trigger for removing their names from official voting lists. In other words, states cannot use failure to vote as confirmation that a voter has moved.

Source of New Voter Registration Nationwide, 2016



2016 National Voter Registration Act Survey, Election Assistance Commission

Also, Justice Breyer looked at the NVRA as a "Confirmation Procedure" rather than the first thing that should identify whether a registrant has moved. Ohio's program necessarily used the return cards as the first thing to determine whether a registrant had moved. Since the Confirmation Procedure was to *confirm*, not identify, voters who had moved, Justice Breyer argued that Ohio's program was an unconstitutional violation of the NVRA.

Justice Breyer pointed out that even if Ohio's program satisfied the failure-to-vote clause and the Confirmation Procedure, Ohio's program violated the NVRA because it was an "unreasonable" method for identifying voters who had moved. Justice Breyer noted that "most people who receive confirmation notices from the State simply do not send back the 'return card' attached to that mailing — whether they have moved or not."

Furthermore, Justice Breyer pointed to a study that found that there were more registered voters who failed to vote and failed to respond to the return cards than voters who moved outside their county each year. In other words, wrote Breyer, "The fact that the State hears nothing from the registrant essentially proves nothing at all."

Justice Sonia Sotomayor wrote a separate dissenting opinion. She joined Justice Breyer's dissent "in full," but wanted to emphasize the first two purposes of the NVRA: to increase voter registration and to enhance voter participation in federal elections. In her opinion, Ohio's law violated the purposes of the NVRA as well as the failure-to-vote clause. "Congress enacted the NVRA," Justice Sotomayor wrote, "against the backdrop of substantial efforts by States to disenfranchise low-income and minority voters." In her opinion, the majority on the court ignored this history.

Why This Case Matters

The case reflects two conflicting visions of what the main problem is in our federal elections. The two visions divide along partisan lines.

For Jon Husted, a Republican, the problem is voter fraud. He has argued that the Ohio voting procedures “make it easy to vote and hard to cheat.” The concern is that a fraudulent voter might assume the name of a deceased person or someone who has moved out of a particular county. Then, that fraudulent voter might vote in their name. Though extremely rare, voter fraud concerns the governments of several politically conservative states.

For others, the problem is voter suppression. In 2016, the Reuters news agency found that at least 144,000 people’s names were removed from voter rolls in Ohio’s largest three counties, and more specifically from Democratic-majority, black-majority neighborhoods. Hence Justice Sotomayor emphasized that the NVRA’s legislative history shows that the NVRA was meant to prevent just that kind of disenfranchisement.

In light of the *Husted* case, other states might follow Ohio’s example for their own programs. This would likely significantly increase the number of names purged from voting lists across the country. In 2019, an Arizona state legislative committee passed a bill to purge voters’ names from the early mail-in ballot list if those voters miss two federal elections. Mail-in ballots are often used by poorer voters who cannot take time off from work to vote on Election Day. Even so, the voters could still vote in person. Republicans approved the bill. Democrats rejected it.

WRITING & DISCUSSION

1. Whose arguments do you find more compelling, Jon Husted’s or the A. Philip Randolph Institute’s? Why?
2. Why do you think the Supreme Court was divided on this issue, resulting in a 5-4 ruling?
3. If you were a justice on the Supreme Court, would you have agreed with the majority or the dissenting opinions? Why?

ACTIVITY: Getting Voters to the Polls

You are a legislator in your state. Form a committee with three other legislators. Your committee must decide on a reform proposal for federal elections in your state:

1. Decide which proposal, if any, your committee will recommend that your state adopt.
2. Determine if your chosen proposal fulfills one or more of the four purposes of the National Voter Registration Act of 1993.
3. Be ready to share your committee’s decision and give reasons for the decision, using evidence from the main article. If your committee does not choose any listed proposal, explain why.
4. Proposals:
 - **Automatic Voter Registration.** Once citizens of a state interact with a state government agency (e.g., the Department of Motor Vehicles), they are automatically registered to vote. Citizens may opt out of being registered if they want. State agencies must (1) inform the citizen of their right to opt out, and (2) pass the registration information to local election officials.
 - **Change-of-Address Cards.** Every time a person fills out a change-of-address card for the U.S. Postal Service (USPS), the USPS passes that information to local election officials.
 - **National Census Registration.** In this procedure, census-takers in your state would be able to register voters every 10 years while updating census information.
 - **Return Cards.** This program is identical to Ohio’s.
 - **Photo ID Requirement.** Voters must show a photo ID on Election Day in order to vote. The name on the ID must match the name on the local voter roll, and the photo must match the person presenting the ID. (See the sidebar “Indiana’s Photo ID” for more information.)



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SUPPRESSING THE VOTE

Although the original Constitution and Bill of Rights did not mention the right to vote, it was implied to exist. The right to vote gradually was expanded throughout the nation's history. Political parties still sometimes tried to suppress (block) the vote of certain groups. Today, some argue that laws to prevent voter fraud are just another form of suppressing the vote.

Jim Crow Voting Laws

During Reconstruction after the Civil War, former male slaves used their 15th Amendment right to vote in large numbers and elected black representatives to Southern state offices and the U.S. Congress. Those new black voters in the South solidly voted Republican, the party of President Abraham Lincoln. But when Reconstruction ended in 1877, Southern Democrats assumed power. They used election fraud and then the law to suppress voting by black men to secure white political control.

Starting with Mississippi in 1890, the Democrats enacted new state constitutions that enabled “Jim Crow” voting laws. Jim Crow was a stereotyped black theater character that came to symbolize laws that discriminated against black people in the South.

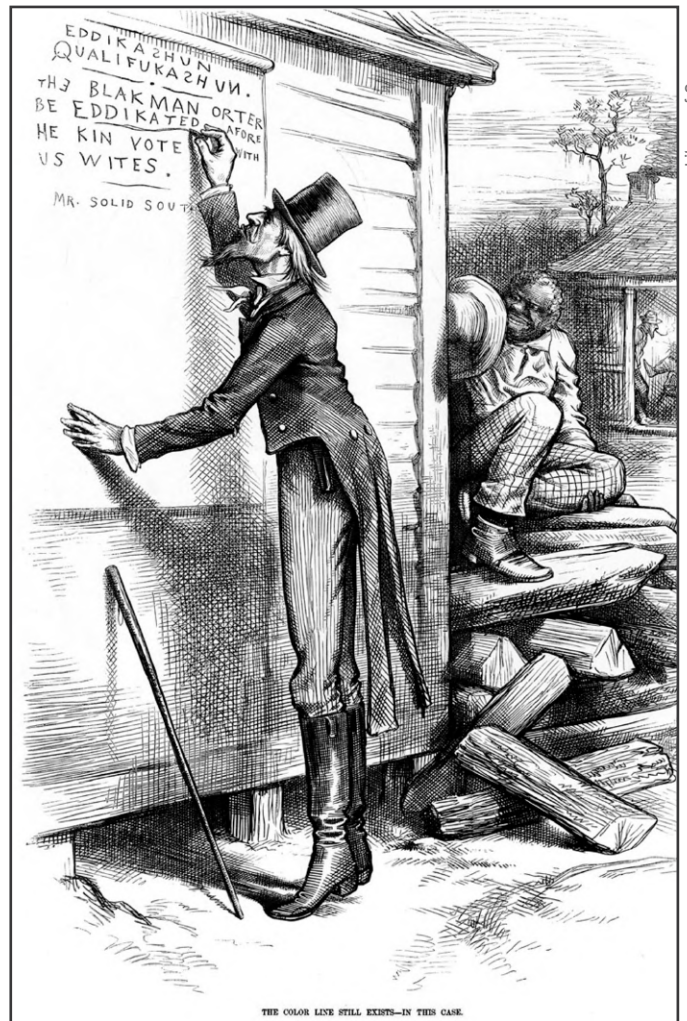
For example, Jim Crow voting laws in Alabama made property ownership a requirement for voting when most black families rented land from white owners. Alabamans also had to pay an annual poll tax to vote, which was a burden on both poor black and white men.

The most effective voter suppression against black men was the literacy test. Most southern states before the Civil War had prohibited teaching slaves to read and write. After the Civil War, black adults and children in the South were able to become literate in their own schools. However, the literacy test was always judged by a white registrar of voters. In Mississippi, the registrar chose a section of the state constitution for the person to interpret. This could be a short simple sentence for a white man or a complicated section for a black man. The white registrar then decided if the man had passed, and in most cases the white man did while the black man did not.

Alabama’s Jim Crow voting laws and similar ones in other Southern states caused black voter registration and voting to drastically fall. A newspaper in Selma, Alabama, noted that this “was necessary to maintain white supremacy in the state.”

There were other barriers to black men voting. Some states required a white registered voter to vouch for the “good character” of a black man registering to vote. White men did not have to meet a character test.

White employers of black workers would sometimes fire those who successfully registered to vote. This was made easier when their names were published in the local newspaper. Then with the rise of the Ku Klux Klan, violence intimidated many black men from even trying to register and vote.



This editorial cartoon from 1879 mocked the use of literacy tests to suppress black voters in Southern states. Literacy tests were a major part of the racist “Jim Crow” laws following Reconstruction.

The loss of black Republican voters led to the near disappearance of that party throughout the South. Democrats barred black people from voting in their primary elections.

In 1903, the U.S. Supreme Court ruled that it had no authority to stop states from limiting voting. By 1940, only three percent of eligible black men and women were registered to vote in the entire South. (Women gained the right to vote with the ratification of the 19th Amendment in 1920.)

Black voter suppression remained widespread in the South until the 1950s and 60s when the civil rights movement emerged. In 1964, Martin Luther King and his Southern Christian Leadership Conference chose Selma, Alabama, as one of the testing grounds for registering black people to vote.

On Sunday March 7, 1965, several hundred civil rights protesters from Selma organized a march to the Alabama state capital, Montgomery, to demand the right to vote.

This receipt is furnished in pursuance of Section 910, Compiled General Laws of Florida, 1927.—J. M. LEE, Comptroller.

POLL TAX RECEIPT

STATE OF FLORIDA }
DUVAL COUNTY

1933

Nº 5767

Received of Flori de Hwight the sum of ONE DOLLAR in payment
of his or her Capitation or Poll Tax for the year A. D. Nineteen Hundred and Thirty-three (1933)
Color E Sex F Age 32 No. Election District 6A
Residence Address: 1226 W. 8th
Tax Collector for Duval County. R. H. Hamrell

A voter's receipt for payment of a poll tax of one dollar in Florida in 1933, which would be the equivalent of about \$20 today.

On the way out of town, however, they were blocked at the Edmund Pettus Bridge by city police, state troopers, and a volunteer sheriff's posse on horseback.

The marchers stopped and knelt to pray. When they refused an order to disperse, the lawmen released tear gas and beat the marchers with clubs and whips.

The violent attack on "Bloody Sunday" was filmed by TV news cameras and broadcast throughout the country that evening. The nation was shocked.

The Voting Rights Act of 1965

In response to the events at Selma, President Lyndon Johnson, a Democrat, federalized the Alabama National Guard that protected the marchers when they resumed their way to Montgomery several days later. Johnson and his attorney general had been working on a new voting rights bill for a while, waiting for the best moment to submit it to Congress. This was that moment.

Johnson made his case in a rare speech directly to Congress. The bill he was proposing was not only for black people, he declared, "because . . . really it is all of us, who must overcome the crippling legacy of bigotry and injustice."

Johnson's Democratic majority in Congress with the support of many northern Republicans overcame opposition from Southern Democrats and passed the Voting Rights Act of 1965. The act made it unlawful for any state "to deny or abridge the right of any citizen of the United States to vote on account of race or [skin] color."

The Voting Rights Act banned literacy tests in those states, called "covered states," that had a long history of suppressing black voter registration and voting. This included seven Southern states as well as certain areas outside the South. For example, black voter registration in Alabama in 1965 was 19.3 percent contrasted to white registration at 69.2 percent.

The most radical part of the Voting Rights Act required the covered states to seek approval from the Justice Department or a federal court before they made any changes to their voting laws. This unprecedented intrusion into states' rights by the federal government became known as "preclearance."

In 1966, the Supreme Court decided the Voting Rights Act was constitutional. A year earlier, the 24th Amendment had banned poll taxes in federal elections. The Supreme Court later ruled they were unconstitutional in local and state elections.

The Voting Rights Act of 1965 produced a quick and sharp increase in black voter registrations and voting in the South. Politically, many white southerners abandoned Johnson's

Democratic Party and voted increasingly Republican. At the same time, most black people across the U.S. became solid voters for the Democrats who now championed their cause for equal rights.

Democrats and Republicans in Congress and the White House joined to renew the Voting Rights Act four times; the last was in 2006 for 25 years. This kept the preclearance requirement in place for the covered states.

Shelby County, Alabama v. Holder

In 2008, Calera, Alabama eliminated its sole black majority city council district by annexing a larger white area to it. The city did this despite preclearance rejection by the Justice Department. The Justice Department then sued Calera to restore the original district lines after the new white majority in that district voted to replace the only black city councilman with a white one.

Alabama's Shelby County, which includes Calera, then sued Eric Holder, President Barack Obama's attorney general and head of the Justice Department. The county claimed that the Voting Rights Act itself was unconstitutional.

In 2013, the Supreme Court did not find the entire Voting Rights Act unconstitutional, but did rule that a key provision was. This was the section of the act that identified those covered states, counties, and towns that were subject to preclearance of any changes in their voting laws.

Writing for the 5-4 majority, Chief Justice John Roberts stated that the black voter suppression conditions in Alabama and the other states that were covered by the Voting Rights Act in 1965 no longer existed. Black voter registration and turnout in elections were now comparable and sometimes exceeded that of white voters. Literacy tests were long gone. Many black people had been elected to local, state, and federal offices throughout the South. Even Selma, Alabama, had a black mayor. "Nearly 50 years later, things have changed dramatically," Roberts concluded.

Writing for the four dissenters in the decision, Justice Ruth Bader Ginsburg acknowledged that



President Lyndon B. Johnson signs the Voting Rights Act of 1965 as Martin Luther King Jr., Ralph Abernathy, and other civil rights leaders look on.

significant progress had been made in ending “first generation barriers” like literacy tests. But “second generation barriers” were taking their place, she wrote. She pointed to the 2008 case of *Calera* where district lines were changed to assure a white majority. She also cited evidence that between 1982 and 2006 the Justice Department had used preclearance to block over 700 proposed voting changes, the majority of which were intentionally created to suppress racial minority voters from voting. Ginsburg concluded that “preclearance remains vital to protect minority voting rights and to prevent backsliding.”

The *Shelby County* majority decision ended the voter suppression status of all those states covered by the Voting Rights Act. Those states now could change their voting laws without having to get preclearance from the Justice Department.

No longer needing preclearance, many Southern state legislatures, now controlled by Republicans, did not wait long to change their voting laws. Two hours after the Supreme Court announced its *Shelby County* decision, the Texas state legislature passed a law that required showing a government-issued photo ID like a driver's license before voting. This seemingly easy requirement was not so easy for many.

The Photo ID Debate

The states that had once been covered by preclearance were not the only ones passing photo ID laws. State legislatures across the country that were often controlled by Republicans had already begun to pass variations of these laws. The Republicans argued that government-issued IDs were necessary to prevent fraud when a person voted. Opinion polls showed that a large majority of Americans supported this.

However, the only fraud that voter IDs could stop were people trying to impersonate others on the voting

roll like those who had died. Multiple studies have shown this to be very rare in the U.S. where such an act is a crime.

Democrats cried foul when it became clear that large numbers of racial minorities, poor people, immigrants, and college students who tended to vote Democratic lacked even a driver's license. To get a driver's license, U.S. passport, or some other government photo ID, individuals had to present copies of documents like a birth certificate that they may have to order for a fee. This especially appeared to be a greater burden for racial minorities who lacked a state-approved photo ID more than whites did.

In a 2008 Supreme Court case involving Indiana's voter identification law, over 80 percent of white voters possessed an acceptable photo ID while only 55 percent of black voters did. Also, the state could not show one example of voter impersonation fraud in Indiana's history. Nevertheless, the justices ruled 6-3 that preserving the trustworthiness of voter identity justified some citizen inconvenience to show a photo ID.

Voter Fraud or Voter Suppression?

Mainly Republican state legislatures enacted other voting regulations that they said were necessary to prevent voter fraud and preserve confidence in election results. Democrats charged these acts suppressed voting in racial minorities.

Several states aggressively purged (removed) voters from the voting rolls because they had died, not voted in recent elections, may have moved, or their registration signature lacked an exact match with a government-issued ID. But data showed minorities and others who tended to vote Democratic were purged more often than those who tended to vote Republican.

Some states that allowed early voting to eliminate lines on Election Day cancelled Sunday voting. This

halted the common practice of black churchgoers being bused after their services to vote at an early voting site.

A dozen states permanently banned felons who had served time in prison from regaining their right to vote. This hit minority communities hard because of the 1970s and 1980s “war on drugs” that sent black people to prison at a greater rate than white people for similar drug offenses.

Polling places in minority areas were sometimes eliminated, resulting in longer distances for minorities to travel and vote on Election Day.

Many studies, including one by Republican President George W. Bush’s Justice Department in 2007, have found relatively few examples of voter fraud or other kinds of election corruption. However, a 2017 study by the conservative Heritage Foundation reported 1,088 cases of fraud in 47 states that resulted in 949 criminal convictions. But these cases were over a period of five years and were few in number compared to the billions of votes cast. For example, there were only ten cases of impersonating someone at a polling place and 41 cases of non-citizens registering or voting.

Potentially the most serious kind of fraud is not by voters but by party workers collecting absentee ballots from voters, a practice called “harvesting.” During the 2018 congressional election in North Carolina, a campaign coordinator hired by the Republican candidate paid workers to harvest hundreds of absentee ballots from voters, which is illegal in the state. Workers then filled out blank or partially completed absentee ballots and forged voter signatures.

In 2018, the U.S. Commission on Civil Rights, a bipartisan (Democrat and Republican) independent agency of the federal government, issued a report on the impact of the numerous anti-fraud voting laws on minority voting. The Commission found that across the country “current conditions include new types of potentially discriminatory voting practices,” which have had an unequal impact on minority and poor citizens.

Expanding the Vote

While some states have chosen to put restrictions on voting to prevent voter fraud and assure public confidence in the election system, other states and Democrats in Congress are focused on expanding the vote:

- automatic voter registration when someone applies for or renews a driver’s license
- allowing registration and voting on Election Day early voting, including on Sunday
- expanding voting by mail-in absentee ballot

- restoring the right to vote of felons who have served their sentences
- restoring preclearance for those states previously covered by the Voting Rights Act

Nearly a dozen democracies in the world have compulsory voting, which requires eligible citizens to register and vote in elections or pay a fine. For example, Australian voters must appear at their polling place, but may choose not to mark the ballot. The current fine for not showing up on Election Day without an approved excuse is \$20. Voter turnout is usually over 90 percent in Australia contrasted to 58 percent in the 2016 U.S. presidential election.

Those who support compulsory voting consider it a citizen’s duty like paying taxes, jury duty, and compulsory schooling. This voting system tends to minimize the election of extreme candidates and boost moderate ones.

Critics of compulsory voting do not like the idea of pushing people who may know little about the candidates and election issues into the voting booth. In the U.S., Democrats would probably benefit more than Republicans because nonvoters tend to favor the Democratic Party.

WRITING AND DISCUSSION

1. Why were literacy tests such a severe kind of voter suppression?
2. Do you agree with Chief Justice Roberts or Justice Ginsburg in the *Shelby County* decision that ended preclearance of voting changes by the states covered by the Voting Rights Act? Why?
3. Which one of the measures to expand the vote do you think is the best? Why?

ACTIVITY: What Qualifies as Suppressing the Vote Today?

Which of the following recent regulations on voting, if any, should qualify as suppressing the vote today?

- requiring photo IDs
- purging voter rolls
- cancelling Sunday voting
- reducing polling places
- permanently banning ex-felons from voting

Form a small group with other students to discuss this question based on information in the article. Be ready to report your group’s choices and reasons to the class.



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Standards Addressed

The Arab Spring and the Challenge of Nation-Building

National World History Standard 44: Understands the search for community, stability, and peace in an interdependent world. High School Benchmark 2: Understands rates of economic development and the emergence of different economic systems around the globe (e.g., patterns of inward, outward, and internal migration in the Middle East and North Africa, types of jobs involved, and the impact of the patterns upon national economies). High School Benchmark 5: Understands the role of political ideology, religion, and ethnicity in shaping modern governments (e.g., how successful democratic reform movements have been in challenging authoritarian governments in Africa, Asia, and Latin America).

California History-Social Science Standard 10.10: Students analyze instances of nation-building in the contemporary world in at least two of the following regions or countries: the Middle East, Africa, Mexico and other parts of Latin America, and China. (2) Describe the recent history of the regions, including political divisions and systems, key leaders, religious issues, natural features, resources, and population patterns. (3) Discuss the important trends in the regions today and whether they appear to serve the cause of individual freedom and democracy.

Common Core State Standards: SL.9-10.1, SL.9-10.3, RH.9-10.1, RH.9-10.3, WHST.9-10.10.

Purged From the Voter Rolls: Husted v. A. Philip Randolph Institute

National Civics Standard 15: Understands how the United States Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power. High School Benchmark 8: Knows current issues concerning representation (e.g., term limitations, legislative districting, geographical and group representation).

California History-Social Science Standard 12.6: Students evaluate issues regarding campaigns for national, state, and local elective offices. (4) Describe the means that citizens

use to participate in the political process (e.g., voting, filing a legal challenge).

Common Core State Standards: SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.2, RH.11-12.10, WHST.11-12.10.

Suppressing the Vote

National U.S. History Standard 15: Understands how various reconstruction plans succeeded or failed. High School Benchmark 2: Understands the 14th and 15th amendments to the Constitution.

California History-Social Science Standard 11.10: Students analyze the development of federal civil rights and voting rights. (6) Analyze the passage and effects of civil rights and voting rights legislation (e.g., 1964 Civil Rights Act, Voting Rights Act of 1965) and the Twenty-Fourth Amendment, with an emphasis on equality of access to education and to the political process.

Common Core State Standards: SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.2, RH.11-12.10, WHST.11-12.10.

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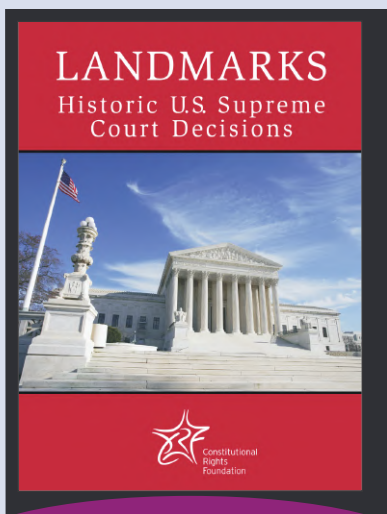
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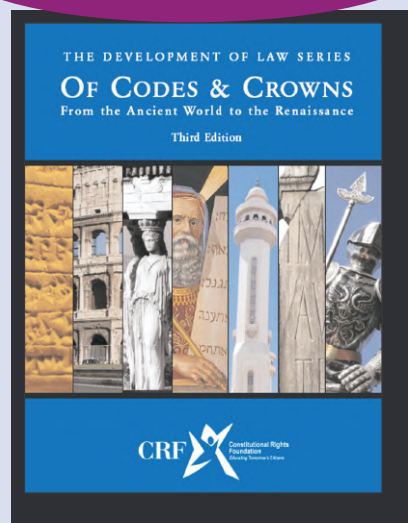
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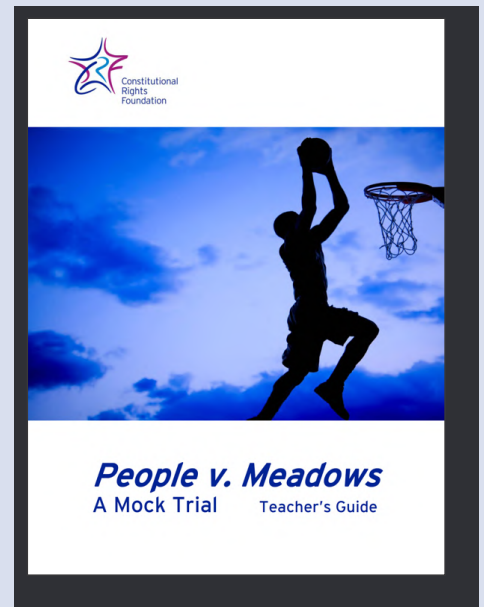
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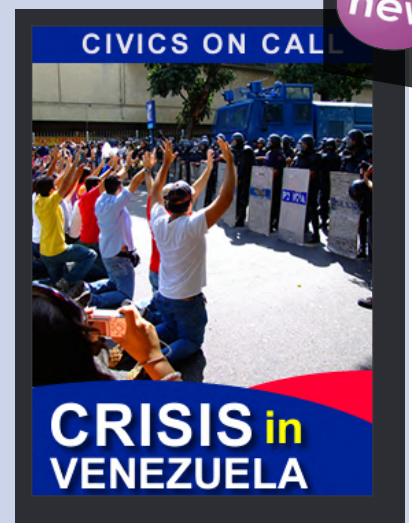
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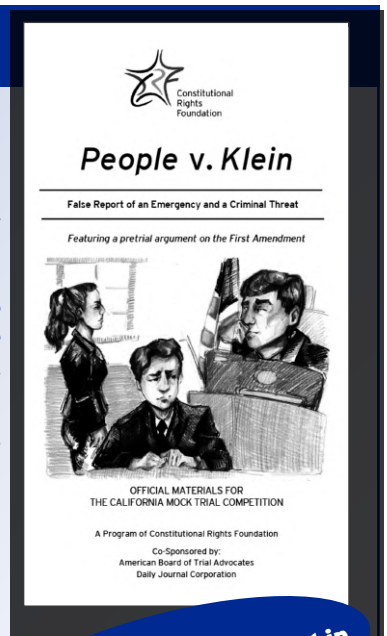
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The defense argues that Reagan neither threatened Sawyer nor made the false text to the police. The defense further argues that Reagan had no more animosity toward Sawyer than other coworkers who all disliked Sawyer's influencer personality and who had all engaged in the cyberbullying of Sawyer.

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