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THE FEAR OF A BLACK BALLOT

The Reality of Voter Suppression

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The notion and reality of black political power frightens the racist portion of the American body politic and those who enable it, who in turn actively try to suppress it. The reasoning behind the suppression of the African American vote in the United States has not changed since the practice began after the end of Reconstruction. Black voters meant that black people had a say in what laws were passed and what taxes were levied. More distressing to white supremacists of both the Reconstruction period and today, black voters meant black policymakers and elected officials. During Reconstruction, this fear was made real by the ascendancy of black politicians such as P.B.S. Pinchback (acting Louisiana governor from 1872-73) and the drafting of the Louisiana State Constitution of 1868, largely written by black legislators.

The suppression of the black vote during the Jim Crow period began with the U.S. Supreme Court ruling in the *Slaughter House Cases* of 1873 which declared that the privileges and immunities of U.S. citizenship guaranteed by the 14th Amendment did not apply to state citizenship. Suppression was made inevitable with the defeat of the Federal Elections Bill of 1890 which would have given federal courts oversight over state elections. Free from federal interference, many states, especially in the South, stripped black people of their voting rights through a combination of outright denial and extreme voting requirements such as poll taxes and literacy tests.

In 1965, the Voting Rights Act ended the most egregious voter suppression tactics by giving the federal courts oversight over state and local elections. In 2013, however, the U.S. Supreme Court ruled that the oversight formula used to determine if a district was in violation of the Voting Rights Act was unconstitutional in *Shelby County V. Holder.* To date, no new formula has been created by Congress. Efforts to suppress the black vote, then, have taken a number of forms.

Fewer Polling Places. The presidential election of 2016 was the first national election held after the Shelby County decision. A November report by the Leadership Conference Education Fund examined 381 out of approximately 800 counties that had been monitored under the *Voting Rights Act* before the formula was declared unconstitutional, it found that there were 868 fewer polling places in 2016 than in 2012. While there are

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no data for Florida, the report provides the following numbers for the remaining Gulf South states:

Table 1: Polling place closures in Gulf South States after *Shelby County v. Holder* ruling[1]

State	Number of closed polling places
Alabama	66
Louisiana	103
Mississippi	44
Texas	403

To have a sense of the scope of these closures, in Louisiana 61 percent of parishes have closed polling places.

Felony Disenfranchisement. In addition to closing polling places, the most pronounced form of voter suppression is disenfranchisement after felony convictions which can be traced back to Jim Crow. *Table 2* shows how each of the Gulf South states restrict voting rights under certain conditions and what percent of the black vote is now suppressed:

Table 2: Gulf Coast State Felony Disenfranchisement and subsequent Black voter suppression[2]

State	Voters are disenfranchised if they are:	Number and percent of black voters disenfranchised
Alabama	In prison, on parole or probation, or even post-sentence for conviction of a crime of "moral turpitude"	143,924 (15.1%)
Florida	In prison, on parole or probation, & post-sentence	499,306 (21.4%)
Louisiana	In prison, or on parole or probation	68,065 (6.3%)[3]
Mississippi	In prison, on parole or probation, & post-sentence	127,130 (15.9%)
Texas	In prison, or on parole or probation	147,727 (6.2%)

The suppression of the African American vote by disenfranchisement has profound impact in the Gulf South, especially because a significant section of the electorate is African American. Mississippi has the highest percentage of African American population, yet over 15 percent of its black population is unable to vote, significantly dampening black political power in that state. In the case of Florida, the suppression of 21 percent of the potential black vote takes on additional significance in light of Florida's status as a "swing state."

Other Measures. In addition to felony disenfranchisement and closing polling places, states employ other less overt means to suppress African American turnout—including voter identification laws, purging voter rolls, and cutting back on early voting hours. These laws and practices are designed to circumvent the protections provided by the Voting Rights Act. According to the Brennan Center, since the 2012 presidential election, the five Gulf South states have made the following changes:

Table 3: Voting Law Changes in Gulf South States since 2012[4]

State	Restriction since 2012
Alabama	Required photo ID to vote
Florida	Reduced early voting; curbed voter registration drives; and made it harder to restore voting rights to people with past criminal convictions.
Louisiana	No new restrictions.[5]
Mississippi	Required photo ID to vote.
Texas	Required photo ID if a voter has one, but with an alternative available for those who have a reasonable impediment to obtaining ID; and curbed voter registration drives

Rather than curbing early voting hours, states should be expanding them, creating more polling places to shorten waiting times, and encouraging voter registration. In addition, if states employ photo identification requirements, citizens should be able to attain these forms of identification or alternatives easily and at no cost.

The suppression of voting by any of the means described above contradicts principles enshrined in the Declaration of Independence, undermines the privileges guaranteed to citizens by the Constitution, and offends basic morality. Those who advocate for policies that limit voter participation reveal that they have no faith in participatory democracy or in the persuasiveness of their own politics and policies. They then resort to what is tantamount to cheating to attain public office.

It is evident from the realities of voter suppression that the Voting Rights Act of 1965 is still necessary to protect the vote of millions of Americans—something many black men and women gave their lives to attain. Maximizing voter participation is in the best interest of the entire citizenry because our system of government can only function properly if elected officials have the mandate of people, chosen fairly

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and openly. Truly representative government must enable its citizens all to vote; otherwise, we face a return to a Jim Crow style patrician rule where the suppressed population are seen as merely a problem to be controlled rather than participants in a democratic society.

ENDNOTES *The Fear of a Black Ballot*

1 The Leadership Conference Education Fund, 2016, "The Great Poll Closure" retrieved from http://civilrightsdocs.info/pdf/reports/2016/poll-closure-report-web.pdf

2 Data retrieved from https://www.sentencingproject.org/the-facts/#map?dataset-option=SIR, The Sentencing Project, 2016, "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016" Retrieved from https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/

3 2018 legislation in Louisiana restores the right to register to vote for most felons on probation or parole five years after their release from prison.

4 Data Retrieved from https://www.brennancenter.org/new-voting-restrictions-america

5 Louisiana adopted a photo ID requirement for voting in 1997, including drivers' licenses, passports, military ID, and Louisiana identification card; but allows a voter without photo ID to sign an affidavit to be able to vote.

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ENDNOTES *Justice Completed*

11 U.S. Conference of Catholic Bishops. (2015). *Forming Consciences for Faithful Citizenship: A Call to Political Responsibility,* 13.

12 Pope Benedict XVI. (2005). *Deus Caritas Est: God Is Love,* 28.

13 Second Vatican Council. (1965). *Gaudium et Spes: The Church in the Modern World,* 31.

14 U.S. Conference of Catholic Bishops. (2000). *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Punishment, p. 1.*

15 Sentencing Project. (2018). *Felony Disenfranchisement in Mississippi.* Retrieved from https://www.sentencingproject.org/wp-content/uploads/2018/02/Felony-Disenfranchisement-in-Mississippi.pdf

16 Brennan Center for Justice. (2018). *Voting Rights Restoration Efforts in Florida.*

17 Hand et al., v. Scott et al., 4:17-cv-00128-MW-CAS (11th Cir. 2017).

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