Voter-Suppression Tactics in the Age of Trump

The suppression of minority votes is the homegrown corollary of the Administration’s xenophobic rhetoric—an attempt to place a white thumb on the demographic scale.

By Jelani Cobb, THE NEW YORKER, Oct. 29, 2018

Decades ago, amid the most overt privations of Jim Crow, African-Americans used to tell a joke about a black Harvard professor who moves to the Deep South and tries to register to vote. A white clerk tells him that he will first have to read aloud a paragraph from the Constitution. When he easily does so, the clerk says that he will also have to read and translate a section written in Spanish. Again he complies. The clerk then demands that he read sections in French, German, and Russian, all of which he happens to speak fluently. Finally, the clerk shows him a passage in Arabic. The professor looks at it and says, “My Arabic is rusty, but I believe this translates to ‘Negroes cannot vote in this county.’ ”

Old jokes have lately been finding renewed salience. Literacy tests, poll taxes, and grandfather clauses, once the most common mechanisms for disadvantaging minority voters, have been consigned to the history books, but one need look no further than the governor’s race in Georgia to see their modern equivalents in action. The race between the Republican, Brian Kemp, Georgia’s secretary of state, and the Democrat, Stacey Abrams, the former minority leader of the state House of Representatives—who, if she wins, will be the first black female governor in the country—is a virtual tie. But Kemp has invoked the so-called exact-match law to suspend fifty-three thousand voter-registration applications, for infractions as minor as a hyphen missing from a surname. African-Americans make up thirty-two per cent of the state’s population, but they represent nearly seventy per cent of the suspended applications. Kemp’s move is particularly questionable given that Abrams’s electoral strategy hinges on mobilizing the six hundred thousand unregistered black voters who have long been seen as the holy grail of Democratic politics in the state.

Kemp’s acts are singled out for scrutiny in “One Person, No Vote,” a book about modern-day voter suppression, by the historian Carol Anderson. In 2012, after the Asian American Legal Advocacy Center, in Atlanta, discovered that many of its clients who were naturalized citizens were not on the voter rolls, despite having registered, the group raised the issue with Kemp’s office. “In a show of raw intimidation,” Anderson writes, “Kemp ordered an investigation questioning the methods that the organization had used to register new voters.” In 2014, Kemp investigated the New Georgia Project, a voter-registration initiative that Abrams had founded. In a similar vein, officials in Jefferson County last week ordered a group of African-American senior citizens off a bus taking them to an early-voting site, on the ground that the transportation, which had been organized by the nonpartisan group Black Voters Matter, was a “political activity.”

The events in Georgia are part of a broader political project. The xenophobia and the resentment that Donald Trump stirred up during the 2016 election are fundamentally concerns about the future of the American electorate. (His reported comment that too many people are immigrating from “shithole countries” in Africa and the Caribbean was paired with a lament that not enough
are coming from Europe.) He has repeatedly stated that he lost the popular vote because non-citizens voted for Hillary Clinton. Last Thursday, at a rally in Montana, he suggested that Democrats were responsible for a caravan of migrants now heading north from Honduras, because they “figure everybody coming in is going to vote Democrat.” Kemp, likewise, claimed that Abrams wants to let undocumented people vote in Georgia. The suppression of minority votes is the homegrown corollary of this strategy—an attempt to place a white thumb on the demographic scale.

According to the Brennan Center for Justice, ninety-nine bills designed to diminish voter access were introduced last year in thirty-one state legislatures. Many of the recent Republican-led efforts stem from the Supreme Court’s 2013 decision in Shelby v. Holder. In an opinion that eviscerated the Voting Rights Act of 1965, Chief Justice John Roberts wrote that discrimination still exists, but not sufficiently to warrant the “extraordinary” remediation measures that the act imposed on the states of the former Confederacy. That argument is roughly equivalent to saying that a decline in the prevalence of an infectious disease means that we should stop vaccinating against it. Within hours of the decision, Texas announced a strict new voter-I.D. law. Mississippi and Alabama shortly afterward began enforcing similar laws that previously had been barred.

The decision added a layer of severity to a voter-access crisis precipitated by state laws that prohibit six million Americans with past convictions from voting. In three Southern states—Florida, Tennessee, and Kentucky—this means that at least twenty per cent of eligible-age African-Americans cannot vote. Meanwhile, North Carolina enacted restrictions on early voting, a policy that particularly affects African-Americans, who are likely to be hourly-wage workers and cannot always get to the polls on Election Day. Last year, the Supreme Court declined to hear an appeal to reinstate a voter-I.D. law in North Carolina that a federal court had found targeted black voters “with almost surgical precision.” In effect, the question posed by Roberts’s ruling is how much discrimination there has to be before you can justify protecting voters.

Ironically, though, a number of the recent laws validate Roberts’s argument about the undue burden that the Voting Rights Act put on the South; complaints have been lodged in several states that fought for the Union, such as Ohio, Wisconsin, Indiana, and Iowa, which have passed strict voter-I.D. or roll-purge laws. Earlier this year, in Kansas, a federal judge struck down a law that required voters to provide proof of citizenship to register, championed by Kris Kobach, the secretary of state, who served as a vice-chair of Donald Trump’s short-lived voter-fraud commission and is now running for governor. In North Dakota, which didn’t become a state until twenty-four years after the Civil War, Native Americans must now provide an I.D. that shows a street address—even though many have only a P.O. box.

The midterm elections are in two weeks. The results will be read as a referendum primarily on Trump’s Presidency, but also on the effectiveness of the electoral restrictions. The old punch line has changed: a professor fluent in five languages no longer need travel south to encounter voter suppression. Voter access is not just a regional crisis; it is a national one. ♦