

Politics Made Me Do It: Race and Voter Intimidation in Modern Presidential Elections

Keynote Address:

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Introduction

Thank you, Dr. Claire Cesareo-Silva, for inviting me to speak to you today. I also wish to thank the organizers of the Anthropology Speaker Series, Cross-Cultural Studies, Women's and Gender Studies, and the ASG of Saddleback College.

Candidates for elected office make many promises. They also appeal to our highest hopes and deepest fears to get our votes. They work not in isolation, but with an organized network of supporters. Sometimes these supporters resort to voter intimidation and other tactics to improve the outcomes for their candidates.

The title of my address is "Politics Made Me Do It: Race and Voter Intimidation in Modern Presidential Elections." The first part of the title of this speech, "Politics Made Me Do It," was adapted from a song by the hip-hop artist, and self-proclaimed gangster rapper, Ice Cube, "Gangster Rap Made Me Do It."

Through explicit lyrics and poetic verse, Ice Cube conveys his resistance to the idea that gangster music is to blame for all that is wrong with life in America. The message I take from his music is that gangster rap is not

the cause of conflict in the world, but a convenient place to lay blame.

I ask two questions with regard to this title. Historically, did politics and the desire for political victory at all cost make politicians and their supporters resort to voter intimidation against blacks?

Or, do those who employ these tactics believe that some people deserve to participate and others do not? Or, are candidates and their supporters motivated by a sincere desire to protect the right to vote and decrease fraud and manipulation in the voting booth?

I will lay out facts and opinions and then ask you to decide.

Polling Place

The polling place has always been an interesting symbol to me. It represents freedom to vote and it represents a challenge to the freedom to vote. That is, as an African American I go to the polls with the awareness that I may not be wanted there. I vote in San Bernardino County. I currently vote by permanent absentee ballot.

Why did I do this? Well, in my mind I say that it is because I am a busy assistant professor on the tenure track, a mom with a small child who must be taken to school and assisted with homework, a wife who must do her share of household chores, and a daughter/niece/cousin/friend who must be there to help, usher, assist, joyfully join in with family and friendship matters.

But, in my heart, I know that I vote absentee for another reason. Its to avoid the scrutiny I feel each time I go to my local polling place in San Bernardino County. Usually white, older neighbors volunteer and they give me that knowing look when I tell them my name and ask

for a democratic ballot. They sniff, scramble to get the right paper for me to sign and to give me my ballot.

No one has ever blocked my entrance, but I get the feeling that I'm not really welcome. Then, there's the whole put the "I voted" sticker on my lapel. I feel proud to do so, but I also leave the polling place hoping that my vote will be counted and that they won't secretly throw it away.

Why do I have these outrageous thoughts? Why do I now cast my ballot on a permanent absentee basis? Perhaps its because I have a sense of dual identity, what W.E.B. Du Bois called double-consciousness. I live in a rather nice community with earnest hardworking neighbors, but I can't shake the feeling that I as a black woman am viewed with some distrust as a voter by my mostly white poll worker volunteer neighbors.

Or, maybe it's all in my head, based on what I've learned, studied, and taught about the history of racism and voter intimidation in the United States. These things together shape who I am, my outlook on voting, and my decision to vote permanent absentee.

I am not one to throw away the right to vote altogether, I believe in voting and I am cautiously optimistic that my vote will have some influence on the system, that is our policies and governance, but I still have my doubts.

15th Amendment

Where do these doubts come from? A part of it is past issues related to white officials blocking black voter access to polls. When the 15th Amendment passed in February of 1869, black men gained the conditional right to vote through the actions of moderate, White Republican legislators. (Painter, p.407, n.9 and p.259)

Black women, like their white counterparts, continued to be disenfranchised. Blacks gained political power after

the Civil War ended. This was in part due to laws that enfranchised Black men, or gave them the right to vote. Eventually this power eroded when white southern lawmakers made it harder for Black men and poor white men to vote. The practices that made it harder included poll taxes and literacy tests. (Painter, p.178)

Jim Crow

After 1891, Jim Crow laws codified informal norms and practices of racial segregation. The laws required blacks and whites to refrain from mingling with one another in railroad cars, libraries, public colleges, parks, and swimming pools. (Painter, p.179) This period saw the increased use of poll taxes.

Poll Tax

Poll taxes were not affordable and were difficult to keep track of. They were paid at the beginning of the year, but would-be voters bore the burden of presenting receipts to verify they had been paid. This led to voter suppression of the poor black and white men who could not afford to pay (Painter, p. 178). The cost was \$1 to \$2 per person, per year.

A related requirement was for black voters to take tests to prove their knowledge of United States history. By passing the exam, they demonstrated they had what it takes to be citizens. In the end, many failed the test and were thereby prevented from voting.

The racial history of this reveals the privileged status of whites who were assumed to be knowledgeable about U.S. history and whose eligibility did not hinge on demonstrating such knowledge.

Voting Rights

The right to vote comes with a price. For African Americans, the right to vote came because people were

willing to put their lives on the line to open access to this privilege.

I can recount stories told to me by family members about participating in efforts to increase voting within the African American community. Take, for example, the story told to me by my Aunt about events swirling around her in the late 1950s and 1960s. She begins by telling me she was not a typical activist.

When someone told her the neighborhood laundrymat was for whites only, she went home to gather all her white clothes and proceeded back to the laundrymat to comply with the letter of the law.

She recounted ways that blacks overcame intimidation by KKK members at polling stations. Black voters preferred to go to the polls as a group. The would-be voters found that if they stuck together, KKK members were less likely to successfully intimidate them. She also thought it remarkable that people from the community thought they could hide behind the white masks and sheets. After all, they were easily identifiable by their voices and way that they walked or carried themselves.

I am sure that it took great self-control on my Aunt's part to resist doing what she half-jokingly told me she wanted to do – light a match and throw it inside the hood to see what would happen. But, that would not only have given license to the KKK to return violence with violence, but it would stoop to their level of dealing with political opposition.

This was not her style, nor was it the technique that eventually led to increased access to the polls for her and many other young people from Alabama during that era.

Intimidation

Intimidation is a funny thing. As I said from the beginning of my talk I was compelled to vote permanent

absentee for the convenience. But, I also breathe a sigh of relief because I do not have to deal with the double-consciousness of the poll workers viewing me as a Black democrat and the possible voter that will vote against their interests and take away their way of life.

To me that is what it boils down to. The intimidator becomes that way because he or she feels intimidated by others who threaten to take away his or her way of life. One need only look at the historic news footage of the 1950s. The anger on the faces of women and men protesting the entry of black youth into Woolworth Stores or Little Rock's Central High School.

Fraud

Fraud is a funny thing. It is a crime that happens in secret. The explicit justification for voter intimidation is to prevent fraud. However, it really seems to be based on reducing participation so that one side or the other can have more power. I believe that everyone should have a say in the process. And, I believe that the interests of previously disenfranchised minority populations should be taken into account. If there are instances of fraud they should be rooted out.

2000 Election (Bush Vs. Gore)

(2000) Voting Machines

Recent studies suggest that there is little evidence of stolen elections due to widespread voter fraud; in addition, there is little evidence of voting machine fraud or machines vulnerable to attacks (Center for Information Technology Policy, 2006).

There is some question, however, about the potential for fraud on the side of the private companies, such as Diebold, that write the computer code for touchscreen voting machines. Princeton University's Center for Information Technology Policy conducted an

independent study of the code for one of Diebold's machines.

The Princeton team found that "...in light of real election procedures...it is vulnerable to extremely serious attacks (Feldman, et al, 2006).

These vulnerabilities were on display in the 2000 presidential election. Journalists and election observers report that optical-scan machines used in Florida in 2000 apparently "...used different settings depending on whether you were in a minority district or an affluent suburb" (Harris, 2004).

The final analysis revealed that machines could be set to give an error message if the ballot was over-voted (more than one selection), or simply discarded. The contention is that error messages were provided to suburban voters, while no error messages were provided to minority district voters – eventually resulting in them being discarded.

(2000) Purging Voter Rolls

One of the biggest outcries about voter intimidation tactics during Presidential elections concerned Florida and the battle between candidates Bush and Gore in 2000. Although the official record declared Bush a victor by 537 votes after a 36 day recount, the Florida campaign was fraught with complaints of improper purging of the voter rolls (Anonymous in *Ocala Star-Banner*, 2008).

(2000) Ex-Offenders

There was an issue of purging the names of ex-offenders. The number of people purged in Florida is important because some people with felony convictions are legally able to vote. (Chappell, October 6, 2008). The impact of errors in the process of purging ex-offenders from voter rolls in Florida, and elsewhere, is critical to understanding one modern way of suppressing the Black vote.

Human Rights Watch and the Sentencing Project estimate that "...31% of the Black men in Florida – more than 200,000 potential voters – were excluded from the polls because they were in prison or had criminal records (Associated Press, 2000)." One must ask, is a system fair that excludes 31% of a group's voting population? Unlike Kentucky and Virginia, which permanently disenfranchise convicted felons, Florida likely removed people from rolls who were actually eligible to vote.

One can hope that with the 2008 elections, Florida would implement a system more like that of Michigan. Michigan allows ex-offenders, the homeless, and veterans to vote. They can legitimately vote through absentee ballots. These activities are coordinated through groups such as the Coalition on Temporary Shelter, which houses homeless citizens in transition (Campbell, 2006)

(2000) Hanging Chads

There was Black voter suppression due to the hanging chad controversy in Florida in 2000. As you may recall, chads were partially removed papers left on punch card ballots. Punch card ballots were widely used in Florida during the 2000 presidential election.

Although Floridians from all racial groups were disenfranchised by this controversial tabulation method, a variety of legislative and civil rights hearings revealed Black voters to have their ballots invalidated at a higher rate than white voters (Walters, 2001).

The ways that their ballots were invalidated included missing ballot boxes from black neighborhoods, police intimidation, early closure of polling stations, unexplained omission of names of black voters from official voting rolls, and a disproportionate number of spoiled ballots when cast by black voters (Walters, 2001).

2004 Election (Bush Vs. Kerry)

(2004) Registrations Invalidated

The presidential election of 2004 also raised the specter of suppressed voter registrations at the polls in the state of Ohio, which also happens to be my place of birth. This time the candidates were President Bush and Senator John Kerry. The secretary of state was a black man, Ken Blackwell, who also happened to be the co-chairman of Bush's Ohio campaigns in 2000 and 2004 (Hershey, 2008).

Mr. Blackwell was hardly a casual observer and he caused a furor when, among other things, he required election officials to discard voter registrations if they were submitted using paper that did not meet weight requirements. These changes were made during the course of the election and disproportionately impacted registrations submitted by new black and minority would-be voters.

Competition

Competition is expected for such a high office. But, the concept of competition takes me back to my title, "Politics Made Me Do It." Is it right to suppress or intimidate those with little power in the name of political victory? I say it is not. If we are a democracy then everyone should have the right to participate in the political process with little fear of retribution.

Identification

(2004) A report from The Eagleton Institute of Politics at Rutgers University reveals that there was lower voter turnout in the 2004 Presidential election in states that required voters to produce documentation or sign their names (Mathis, 2007). A U.S. Justice Department report reveals that states which require government issued photo IDs disproportionately affect African Americans, Latinos, and other groups (Mathis, 2007).

Caging

Blocking the right to vote is a problem. When blocking comes up I think of tactics like caging. Caging is a practice that was outlawed by consent decree in the mid-1980s, but that re-emerged in Florida during the 2004 Presidential race between Bush and Kerry.

The illegal strategy involves mailing letters marked “Do Not Forward” to the residence of mostly black voters. When they are returned, they are used to purge names from election rolls. The black voters impacted were mostly homeless men, students on vacation, and American soldiers.

The effort to cage voters in Florida is not going to occur successfully as it did in 2000 and 2004 if voter protection advocates have their say. Attorneys and election poll observers are setting up toll free hotlines and other means of responding to claims of voter intimidation.

Latinos

Caging represents one of the most egregious examples of voter intimidation and suppression against the Latino community. Much of this intimidation is tied to eligibility to vote based on citizenship status. There are groups, such as the Southwest Voter Education Project, which work to insure voter rights are protected.

The Southwest Voter Education Project spearheaded an effort to resist voter intimidation that occurred in a high-profile case here in Orange County in 2006. Republican Tan Nguyen, running against Democratic incumbent Loretta Sanchez for a house seat representing Santa Ana, sent 14,000 mailers to voters in Spanish language.

The mailer threatened those in the country illegally, or immigrants, with deportation if they voted. However, Naturalized immigrants are eligible to vote. (Associated

Press, 2008) This case highlights threats against full participation by eligible voters in the Latino community.

Litigation

Like many other civil rights victories before it, the effort to resist caging and other tactics to suppress African American votes comes through litigation. Law school students, as well as practicing attorneys with groups like the National Lawyers Guild, have prepared coordinated responses to reports of voter intimidation and caging.

2008 Election (Obama Vs. McCain)

Social Security

(2006) I have similar concerns about voter suppression via social security card requirements. Asian Americans and Latinos are particularly vulnerable to this type of intimidation.

According to a recent study by the Asian American Legal Defense and Education Fund, Asian Americans in 9 states and Washington, D.C. faced problems that included mistranslated voting materials, inadequate interpreters, hostile poll workers, and improper or excessive demands for voter identification (Anonymous in *Hmong Times*, 2008).

Eradicating intimidation and suppression among Asian Americans and Latinos will prevent the same types of injustices from occurring to them that happened to African Americans years ago (U.S. Commission on Civil Rights, 2006).

Asians

Asian-Americans can also help to resist voter intimidation. This community has in the past been subject to intimidation and accusations of being an exotic other. Asian-American voters should take their rightful

place in the voting process and help to protect the rights of Asian immigrants eligible to vote.

My concern is that this may lead to discrimination against immigrants. Immigrants are being singled out because we are in a tight economy. When the economy is tight and job losses increase, people feel threatened and look for scapegoats to blame their problems on. Fears of depressed wages, cheap labor, and job competition bring out the worst in us and contribute to xenophobia. One only has to look at the debates about granting driver's licenses to undocumented immigrants to see the anger.

Driver's Licenses

(2008) Voting rights advocates fear that recent changes in voter identification laws will keep blacks and other minorities from voting. In essence, they will be a modern day poll tax.

The U.S. Supreme Court recently supported an Indiana law that requires voters to show state ID, such as a driver's license or ID card in order to vote. Some will argue that this is necessary to prove the voter's identity and that he or she is eligible to participate in the election. However, my concern is that it will be a tool to suppress the votes of blacks and other minority groups.

Responses

If people believe the voter ID law is wrong, as I do about the Indiana law requiring licenses or other state ID, then they should work within and outside of the system to bring about change. Within the system they can advocate for a federal requirement that states increase rather than limit voter participation. Outside the system, they can join organizations and create organizations on their own to educate people about the ways that voter ID laws inhibit voting.

(2008) Michigan Foreclosures & ACORN

(2008) There is also the threat of voter suppression and intimidation involving the mortgage crisis. The intimidation stems from, among others, the Michigan effort to purge voters from lists of foreclosed homes. Fortunately, the group behind this caging scheme dropped its plans when the plan became public.

There is also an effort to go after the community organizing group ACORN. Let me begin by telling you how I came to know about ACORN. First I studied their model of community organizing as a graduate student at UCLA in the early 1990s. Back then, they were heralded as a voice for the voiceless in various urban and rural community organizing campaigns.

I later organized the Cal State Fullerton Chapter of the Gulf Coast Civic Works Project. The project organized students to raise awareness about ways to rebuild the gulf coast following hurricanes Katrina and Rita. Louisiana ACORN endorsed the national Gulf Coast Civic Works Project.

The attacks against the national ACORN organization stem from the group's own action to turn over records of false voter registration. One such registrant was Mickey Mouse. The officials of ACORN say they are as concerned about this type of fraud as those who now say they are trying to register people fraudulently. Even Mickey Mouse would be able to vote – if he showed up with proper ID to the voting poll.

ACORN's president, Maude Herd, an African American woman, says she welcomes those who want to eliminate fraud (DemocracyNow Radio Interview, 2008). She believes these recent attacks are to advance the political aspirations of those who have long viewed ACORN's successful voter registration efforts with disdain.

ACORN's critics dislike the high numbers of low-income and persons of color registered by ACORN. ACORN has been caricatured and the target of hate mail and phone messages. Prompted by partisan political attacks on a state-by-state basis, ACORN is now being investigated by the FBI.

The intimidation cited in the examples above are just the beginning. The reason why they are important to this conversation about race and presidential politics is because they were targeting black voters. They also targeted people from other underrepresented groups. This includes Latinos, Asian-Americans, students, and low-income whites. I think the issue goes even deeper and not solely about partisan politics. It is about poor and underrepresented people being kept out of the political process by those working on behalf of powerful interests.

Equal opportunity

Every person eligible to vote should have an equal opportunity to do so. The efforts of the legal community and other election protection advocates should be supported by those who believe in the preservation of voting rights. This includes everyday people like you, students, faculty, and others affiliated with college communities.

Blacks

The African American community is concerned about voter intimidation because it is often targeted for such acts. This targeting is possible because they are easily recognized by skin color. Certain segments of American society believe that blacks do not deserve the right to vote and that blacks are less patriotic than other Americans. The logical conclusion of such nefarious thinking is that blacks will look out for their own interests. The attacks on Barak Obama as an exotic other feeds into the idea that he will not really be like other American presidents. Such tactics have been used in the

past to divide the American public. I do not believe they will work this time. Regardless of the election outcome, people will rise above race baiting.

Whites

The Euro-American community can resist efforts to intimidate voters. The most effective way to do this is to join with other like-minded people to insure that people are not intimidated from voting.

Students can support other students who may have trouble understanding local laws about student eligibility to vote and correcting misleading information about why students should not vote.

Faculty can organize teach-ins – much like the panel and my talk today -- and other strategies to inform students, fellow-faculty, and staff about past experiences of voter suppression and intimidation.

Victory

Political victory is important, but not at the expense of civil liberty. We live in a competitive society and the message that politicians send to everyday people when they or their supporters embrace intimidation tactics is that winning is more important than the process.

This is the wrong way of approaching our political process. We cannot on the one hand say that we are a law and order society, and on the other break the law to be the rulers of the land. This is not something that the electorate should stand for, regardless of political affiliation.

Fairness

The concept of fairness is key in any effort to persuade the broader community to fight against efforts to intimidate voters out of participating in the voting process. If we believe that Americans embrace fairness

in our laws and ways of dealing with others, then we should, regardless of political affiliation, work together to make sure our system delivers a fair way for everyone to cast his or her vote.

The powerful cannot take the right to vote away from the powerless. If we do, then we lose our moral authority to criticize other political systems that do not practice democracy. I, as a member of the African American community, see it as my duty to ensure America continues to involve underrepresented people in the political process.

A part of this derives from my sense of gratitude that I was able to come from humble means and have a decent life. It is awesome to step back and look over my life. I was born in Ohio, raised by my mother's oldest sister, in a single-parent household, on a postal worker's salary. I graduated from college and made the folks back home proud when I became the second person in my family to earn a doctoral degree.

I do not think my story would be possible if our country refused to embrace the basic concept of fairness in so many areas of life; the paramount example of which is voting. Without the vote, public colleges would continue to be segregated and I might not be speaking to you today.

Thank you for this opportunity and I encourage you to continue to do all you can to remove barriers to political participation.