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The GOP's Black Voter Suppression Strategy
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Guest Commentator

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During the Martin Luther King Jr. Holiday celebration at the Kennedy Center, President George W. Bush reiterated his call to Congress to reauthorize those sections of the Voting Rights Act that are set to expire in August 2007. This is, of course, no idle gesture. The President should be applauded for his stand, and Congress should heed his call. But African Americans would be wise to view the President's support for reauthorization with a strong degree of skepticism. How, after all, do we square the President's record on voting rights with his stated support for the Voting Rights Act?

For the past five years, the Bush Administration has used the Justice Department, Civil Rights Division – the institutional guarantor of the Voting Rights Act – to legitimize a series of Republican power grabs in the South. Central to these power grabs has been violations of the Voting Rights Act – i.e. the suppression or dilution of African American votes. For instance, in a series of recent preclearance (Section 5) cases, Bush appointees in the Civil Rights Division have overruled career lawyers when their decisions stood in the way of white Republican political objectives. Although a majority of career lawyers rejected Republican backed redistricting plans in Mississippi and Texas, political appointees overruled them and precleared the plans. The Texas and Mississippi redistricting plans have since been implemented, to the tremendous benefit of the GOP. (The Supreme Court has recently agreed to hear a series of cases in which Democrats, blacks, and Latinos argue that the Texas redistricting plan and the manner in which it was implemented violate the Voting Rights Act.) Political appointees also overruled career attorneys when they rejected the 2005 Georgia Voter ID law – passed by the Republican majority in the state legislature – as retrogressive. A federal appeals court later struck down the law, arguing that it would reduce blacks' access to the franchise. African Americans in Texas, Mississippi, and Georgia vote overwhelmingly for the Democratic Party.

The Bush Justice Department's subversion of the preclearance process has been paralleled by a steep decline in voting rights enforcement. In the five years since Mr. Bush assumed office, the Civil Rights Division has

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brought suit in only three cases under Section 2 of the Voting Rights Act – the provision that prohibits states and municipalities from enacting voting practices or procedures that discriminate on the basis of race, color, or membership in a covered language minority group – all of them in 2005. This drop in Section 2 enforcement comes at a time when Republican "voter integrity" initiatives, aimed at purging African Americans from the voter rolls and intimidating blacks at the polls, are on the rise. In one of the three voting rights cases that the Bush Justice Department has brought in the last five years, it has inverted the voting rights universe by seeking to protect white voters from blacks – in Mississippi no less. In February 2005, the DOJ sued the black leadership of the Noxubee County, Mississippi Democratic Party claiming that they had conspired to deprive white county voters of their rights under the Voting Rights Act. Nearly all of the whites in the county are Republicans and all of the blacks Democrats. The case resulted in a consent decree between the black Democratic leadership of the County and the Justice Department. The Noxubee County case was the first in history in which the Justice Department used the Voting Rights Act to protect white voters against blacks.

Dissatisfied with the turn in voting and civil rights enforcement under President Bush, fully 20% of the career attorneys in the Civil Rights Division – people who consider themselves non-partisan stewards of the Voting Rights Act – have quit their jobs in the past year.

What the Bush Administration is doing is not new. Since 1981, the Republican Party has adopted a strategy of suppressing the black vote in closely contested states in order to win elected office. The political calculus is simple: For the past forty years, blacks have voted overwhelmingly for Democrats in statewide and presidential elections, and Democrats have required high black turnout to win closely contested elections, particularly in the South. One way to ensure Republican victories in closely contested states, then, is to suppress the black vote. Thus, for the past twenty-five years, Republican Party functionaries and Republican Departments of Justice have administered "vote integrity" and "vote security" initiatives aimed at purging blacks from the rolls and intimidating those that come to the polls. More recently, the Bush 2000 and 2004 campaigns have worked with Republican Secretaries of State – Florida 2000 and Ohio 2004 are the most noteworthy examples – to create voting system crises where large numbers of newly registered blacks are anticipated at the polls. The results have been a lack of voting machines in high turnout precincts resulting in long lines that act as a disincentive to vote, understaffed election helplines that lead to busy signals for voters and election workers, arbitrary election administration rulings that disqualify prospective black voters, and a number of other preventable problems that disproportionately effect new black voters. Once in office, the Bush Administration simply enlisted the Justice Department, Civil Rights Division in this ongoing campaign.

This and previous Administrations have been able to systematically subvert and circumvent the Voting Rights Act in its present form. It costs Mr. Bush little, then, to endorse reauthorization without amendment. In fact, it makes an Administration that has been consistently hostile to black voting rights appear supportive of those rights.

African Americans should demand far more than simple reauthorization. We need to look seriously at how the VRA can be amended to prevent the voter suppression and dilution strategies used by Republicans for the past twenty-five years. A number of suggestions for amendment have been offered up and we would do well to explore their worth. For instance, Heather Gerken of Harvard University has suggested that Section 5 be amended to require judicial review of preclearance rulings by the Civil Rights Division. Mandatory judicial review, she suggests, would place a check on any Administration's attempts to use the preclearance process to further its own political ends. The Sentencing Project has argued that Congress needs to amend the VRA to outlaw felon disfranchisement. Currently, 13% of African American males are prevented from voting by state laws denying the vote to convicted felons who have served their time. Such an amendment would be equally beneficial to white ex-felons, several million of whom are denied the vote by state felon disfranchisement laws. There is no dearth of information on how to plug the holes in voting rights enforcement, only the will to do so.

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African Americans, and indeed all Americans concerned with the integrity of our democracy, must demand that our representatives in Congress find a way to plug the gaping holes in current statute and enforcement. Reauthorization without strengthening amendments will only open the door to continued voter suppression and dilution. Mr. Bush, no doubt, is keenly aware of this fact.

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