POLITICAL INEQUALITY

Political voice is more unequal in the United States than in most comparable affluent industrialized democracies. . . . It is a persistent problem, reproduced over time and across generations. It is a violation of basic ideals of American democracy.

Kay Lehman Schlozman, Sidney Verba, and Henry E. Brady, The Unheavenly Chorus

Economist magazine’s Intelligence Unit regularly analyzes 165 independent countries plus 2 territories and compiles a “Democracy Index.” In 2012 it found “global democracy . . . at a standstill,” attributed in part to the economic crisis that began in 2008, but with many other causes affecting different regions. The United States ranks twenty-first on the list, well behind the leaders: four Scandinavian countries and New Zealand. America had slipped from its seventeenth place in 2010, mainly because of low scores in “political participation” and “functioning of government.” Moreover, the United States remained at the bottom of the “full democracy category” because it “has been adversely affected by a deepening of the polarization of the political scene and political brinkmanship and paralysis.”

Political polarization worsens inequality. In 2011, the International Monetary Fund compiled a similar, more detailed index, along with an Income Inequality Index comparing thirty-three advanced nations. The United States did fairly well on criteria such as well-being (in eleventh place) and level of democracy (in fifteenth place),
but on several other measures the country fared poorly. Not surprisingly, the United States fell near the bottom in life expectancy at birth, food insecurity, and income inequality. The most arresting ranking came in the United States’ stratospheric incarceration lead over the thirty-two other countries, thanks to its massive prison population, more than double the ratios of four other countries joining it as the “worst of the worst” in this category.

Life expectancy, prison populations, and a faltering quality of life are tied to stark inequalities of income and wealth. And inequality diminishes democracy. These conditions, along with the level of poverty and relatively weak measures to combat it, foster growing political inequality in the United States.

**PARTICIPATION AND CITIZENS UNITED**

“The money power may win or lose a race, even an election year,” as John Nichols and Robert W. McChesney observed in *Dollarocracy*. “But its authority is not conveyed via an election result. Its authority comes from its permanent presence... Its permanence is what gives the biggest spenders their power.” All forms of political participation—from voting to letter writing to knocking on doors—are heavily influenced by income and education. The rise in inequality that has increased residential segregation by income and class (see chapter 2) has heightened the tendency of poor and low-income voting-age adults to stay away from the polls, let alone engage in other forms of political activity. According to recent U.S. Census Bureau data, during the lost decade of the middle class, the number of people living in neighborhoods of extreme poverty grew by one-third. This development has political consequences: “When communities were more integrated along class lines, citizens with fewer political resources were more likely to benefit from their connections to the politically advantaged.” The decline of unions and other civic organizations has had a similar effect. In short, disadvantaged community context matters because it reinforces existing inequalities.

The hollowing out of the electorate parallels the hollowing out of the middle class and the decline of its lower ranks into near poverty. A study by the eminent political scientist Walter Dean Burnham...
Plutocracy in America shows that in the cities of Boston, Pittsburgh, and San Francisco, as the middle class declined and lost good jobs, the “party of nonvoters” increased during the decades after 1960 among what he termed the “solid ethnic working-class segment.” In Boston, nonvoters within that group rose from 27.1 percent in 1960, to 59.5 percent in 1980, and to 74 percent in 1988. Burnham’s findings reflect the overwhelming evidence showing that people with higher incomes and more education participate in politics far more than those with less education and lower incomes. People segregated into both urban and rural low-income areas possess weaker social ties and are less likely to be targeted for political activity by parties and candidates. These citizens are also more likely to be obstructed by felony disfranchisement laws, difficulties in voter registration, and their long daily work schedules when struggling to make ends meet.  

Elected officials tend to ignore the policy preferences of lower-income Americans. Political scientist Larry Bartels conducted a now well-known analysis of voting by Republican and Democratic senators and found that lawmakers of both parties “are consistently responsive to the views of affluent constituents but entirely unresponsive to those with low incomes.” While Democratic senators listened somewhat to their middle-income constituents but not to their low-income ones, Republicans heeded only the preferences of their affluent constituents. The more comprehensive research of Martin Gilens, covering several decades, confirmed that government seldom follows the desires of poor and middle-class Americans. Leaders’ routine responsiveness to the affluent is not, tellingly, a result of higher-income people having greater rates of voter turnout or campaign involvement. Rather, “money—the ‘mother’s milk’ of politics—is the root of representational inequality.” The cost of political campaigns has skyrocketed, and politicians’ obsession with getting re-elected puts them in bed with the money-givers.  

The 1 percent have “access” to governmental policy-makers undreamed of by ordinary folk. A study, based largely on individual interviews of members of the wealthy elite in metropolitan Chicago, revealed that not only did the rich have an amplified political voice through using their money to make contributions, but they also candidly acknowledged the ease with which they reached
public officials. Many often telephoned or emailed their senator or congressman directly, while “contacts with executive department officials, White House officials, and officials at regulatory agencies, though less frequent, were also common.” In response to a question regarding the purpose of these interactions, 44 percent “acknowledged a focus on fairly narrow self-interest”; about half (56%) of the contacts involved “broader matters,” but the study’s authors thought it possible that the frequency of the self-interested contacts was underreported. In pursuit of narrow self-interest or broader common goals, the political activity of the top 1 percent far exceeds that of average Americans: in fund raising, campaigning, attending political meetings, and enjoying direct communication with elected officials.6

Corporate, financial, and wealthy elites also influence Congress, primarily through lobbying. Chrystia Freeland has summarized how most plutocrats translate their “vast economic power into political influence.”7 They pursue political lobbying strictly focused on the defense or expansion of their economic interests. This is very specific work, with each company or, at most, narrowly defined interest group advocating its self-interest: the hedge-fund industry protecting the carried-interest tax loophole from which it benefits, or agribusiness pushing for continued subsidies. Often, these are fights for lower taxes and less regulation, but they are motivated by the bottom line, not by strictly political ideals, and they benefit very specific business people and companies, not the business community as a whole.

Even when not focused on their particular interests, wealthy elites still differ widely from the general public in their policy preferences. They tend to be intensely concerned about federal and state budget deficits and much more willing to cut social welfare programs, including Social Security and health care; they are not interested in governmental spending to improve education or provide greater access to college; and they favor tax cuts and less regulation. They explicitly oppose policies to redistribute wealth and implicitly are against enhancing political equality.8
Political scientists use surveys to determine the policy preferences of the rich and influential, but the national political class knows the policies desired by the top 5 percent and 1 percent without the necessity of polling. Campaigning politicians assert a passionate concern for “the American people” or “the middle class” (the latter in part because Democratic candidates, especially, do not want to be thought of as catering to the undeserving poor, i.e., African Americans and people of color). Once most are in office, however, their campaign rhetoric translates into concern for the affluent.

While the political voice of ordinary citizens has been weakening for some time, the U.S. Supreme Court, under Chief Justice John Roberts, has acted to increase the influence of the wealthy and corporations in elections and in governmental policy, making it a court for the 1 percent. The Court’s five conservative members, although self-proclaimed nonactivists and “originalists” (those claiming to follow the intent of the framers of the U.S. Constitution), struck down a century of laws attempting to limit the influence of money in elections by their 2010 *Citizens United v. Federal Election Commission* decision regarding advocacy campaign expenditures (e.g., television advertisements for or against a candidate) by corporations and organizations. A system of campaigning already awash in money raised by political action committees thus became even more of a “dollarocracy.” Then the Roberts court pushed the maxim that “money is speech” even further in the 2014 *McCutcheon v. Federal Election Commission* decision that allowed individual donors to contribute to as many political candidates as they desired. Previously, not only was there a maximum dollar amount for individual contributions to a specific candidate or to a political party or committee, but also a limit on the total number of dollars that could be spent on those contributions over a two-year election cycle. Shaun McCutcheon, an Alabama “coal baron” and member of the Republican National Committee, brought a suit to remove those limits. He thought it unfair that his electoral contributions were restricted to a total of only $123,000 in any two-year period.

Although the *McCutcheon* ruling retains the previous limits on the size of direct contributions to individual candidates and political committees, fat cat donors no longer have restrictions on the number of candidates to whom they can make contributions, which can
reach a total of as much as $3.5 million in any election cycle. The Court’s majority expressed the belief—incredible to any informed citizen—that money influences politics only when one individual directly bribes an official in exchange for a vote, a “quid pro quo.” Law professor (and New York Democratic-primary candidate for governor in 2014) Zephyr Teachout has criticized the Roberts court’s narrow view of corruption as “bad law . . . [and] bad for politics, and displayed an even worse understanding of history.” The classical American approach to corruption, Teachout observed, engages its complexity: “Like liberty, speech, or equality, corruption is an important concept with unclear boundaries. It refers to excessive private interests in the public sphere; an act is corrupt when private interests trump public ones in the exercise of public power, and a person is corrupt when they use public power for their own ends, disregarding others.”

Let’s put this in a perspective other than that of hypocritical politicians who claim that the McCutcheon decision allowed more people to participate financially in election campaigns. In 2012, just 1,715 donors bumped up against the aggregate dollar limit on giving to political party committees, and another 600 plus hit the limit for individual candidates. Thus the Court has given a tiny slice of wealthy donors even greater political voice and influence over politicians. The editors of the New York Times commented that McCutcheon “is less about free speech than about giving those few people with the most money the loudest voice in politics.”

POLITICAL POLARIZATION

Economist magazine’s Intelligence Unit wisely mentioned “a deepening of polarization” as a factor diminishing American democracy. Partisan polarization has also contributed powerfully to the rise of economic and political inequality. Since the 1970s, income inequality has widened steadily, as has political polarization, and time-series graphs show that measurements of each track closely together. As with the decline of unions, life expectancy, and rates of sickness, is there a cause-and-effect link between political polarization and the rise of inequality?

In Polarized America: The Dance of Ideology and Unequal Riches, Nolan McCarty, Keith T. Poole, and Howard Rosenthal find that
this “causality can run both ways.” Political polarization currently intensely divides political elites. In the U.S. Congress it manifests itself in a Republican Party that has moved far to the Right. When they are in the majority, Republicans enact policies—such as the tax bills of the Reagan and George W. Bush presidencies—that increased inequality; when in the minority, Republicans act to block changes to the status quo. Thus, “the political process [now] cannot be used to redress inequality that may arise from nonpolitical changes in technology, lifestyle, and compensation practices.”

Voters are not as polarized as political actors, but they have become increasingly aligned by income within the two major parties, with Democrats drawing support from lower-income groups and Republicans attracting the votes of the affluent and the rich. The high-income Republican nexus reinforces that party’s swing to the Right, especially in the South and among white evangelicals. The rise in immigration has created another force for polarization. Republican elites and their constituencies adamantly resist redistribution policies that might ameliorate inequality, especially among the Hispanic and Asian immigrant poor, and, above all, they oppose aid to undocumented immigrants.

**DISENFRANCHISEMENT**

Voter turnout in the United States is lower than in most other advanced countries. Australia’s mandatory voting produces high turnouts, but elsewhere they result from greater ease both in registration and in access to the polls. Nonvoting in the United States occurs disproportionately among low-income and less-educated citizens. It does so because any difficulties involved in registering and voting fall to a much greater extent on them than on people who have higher incomes and are better educated. Some individuals simply choose to avoid voting and lack interest in public affairs. (I know a well-educated older woman in a high-status job who does not vote and will have nothing to do with politics.) Others (across various income and educational levels) dislike the prospect of standing in line when large numbers of voters turn out in highly contested elections. Among high school dropouts (the group most disengaged from voting) and those in poverty there is also distrust, alienation, and
disengagement from political life, and disadvantage clearly plays a role in creating these attitudes.

There has been a powerful mythology about voting and elections in the United States. Political scientist Richard K. Scher described this idealized version as having “few if any problems associated with casting ballots. . . . You register, you show up at your polling place on election day, you vote, the ballot is recorded and counted, and you go about your business. The whole process is said to be mechanical, neutral, and value free.” Scher commented that this sanitized picture of voting and elections ignores a long history—and continuation—of episodes of voter suppression, fraud, and manipulation of the rules by political elites to disenfranchise targeted voters or render their votes meaningless.

In America’s first decades, many states imposed property or taxing requirements on adult white males that depressed voter turnout among the lower classes, although these restrictions were gradually eliminated. Gerrymandering, however, had an impact on voters across the socioeconomic spectrum. The word dates back to 1812, when partisan Jeffersonian Republicans won control of Massachusetts, a state that in the early republic usually voted for the Federalist Party. In an effort to consolidate power, the Jeffersonians created weirdly shaped legislative districts designed to dilute Federalist voting strength and maximize their own. Federalists gibed that one of those districts looked like a salamander, and when Jeffersonian governor Elbridge Gerry signed the bill, Federalists dubbed the distorted district a “gerrymander.”

The practice continued, and spread, especially during times of close partisan balance between the two major parties. During the fierce political battles of the late nineteenth century, midwestern parties (and even factions of parties) created grossly malapportioned legislative districts with the same goal in mind: to tilt the outcome of elections in their favor and make the votes of opponents worthless. In the twenty-first century, multitudes of African American and Hispanic citizens, who now usually vote for Democrats, have been concentrated into heavily minority Congressional districts to dilute Democratic voting strength in other districts.

In recent election cycles, Republicans and corporate PACs have strategically poured campaign funds into state elections and
increased the number of state governments they control. They then moved to enact often-controversial policies that have stalled in Congress and to aggressively redraw—gerrymander—Congressional- and state-district lines to their advantage. By 2010, this campaign improved their occupancy of governors’ offices from 23 to 29 and gave them majorities in 25 state legislatures, up from 14. Democrats, late to this game, began to play catch up, resulting in most state governments becoming thoroughly partisan. Meanwhile, the Supreme Court’s 2010 *Citizens United* decision unleashed millions of dollars of “outside spending” into state and even local elections, and funds then were shuffled around by party committees, PACs, and big-spending oligarchs. Contrary to the conservative bloc of Supreme Court justices’ willfully naïve assumption “that unlimited spending would happen independent of candidates, . . . outside spenders are working ‘hand in glove’ with candidates,” according to the Brennan Center for Justice. After the 2014 midterm elections, Republicans dominated 68 out of 98 state legislative chambers, a legislative high. And across the country corporate-tax cuts, deregulation, voter ID laws, reductions in unemployment benefits, antichoice laws, and gerrymanders proliferate.\(^{16}\)

For most of the previous post-1945 period, the Democrats had followed a similar policy, so much so that in 1987, then president Ronald Reagan declared “gerrymandering . . . a national scandal. . . . To look at the district lines shows how corrupt the whole process has become.” Yet after several Supreme Court decisions regarding gerrymandering by the Rehnquist and Roberts courts’ conservative majorities, who routinely favor Republican agendas, it has been said that those justices “have never seen a gerrymander they didn’t like.”\(^{17}\)

Irregularities in presidential elections in 2000 and subsequently have gradually punctured two myths: that America enjoys elections that ensure equal access to all voters, and purity of the ballot box. The difficulties that Americans encounter in casting their votes are far from being isolated to a few locations; they are widespread and exist in rich and poor states, from New York to Mississippi, and from California to West Virginia.\(^{18}\)

Republican control of many state governments has led also to systematic efforts to increase the disenfranchisement of African
Americans, Hispanics, Asians, people of color generally, the elderly poor, the young, college students, and the least well-off. It has been a concerted movement, thus far partially successful, to take away the vote of millions in the coalition who helped elect the nation’s first black president in 2008.19

Well before the Bush/Gore presidential contest in 2000 and its aftermath, the structural impediments to a higher voter turnout and full and free voting bore down unequally on the groups now targeted by a new barrage of restrictive laws. In all but one state currently, voters must go through a separate registration process before voting, as most states do not allow election-day registration. Ease of registering in nations such as Britain, Canada, France, and Germany helps produce far larger turnouts that are not socioeconomically skewed toward the affluent. In 2000, voter turnout in the United States was 15 percent higher in states with same-day voting and registration.

The National Voter Registration Act of 1993 (the “Motor Voter Law”) made registration easier for millions, and some states have taken it upon themselves to encourage those poor who receive public assistance to register. Still, in 2010 more whites were registered to vote (67%) than blacks (58.1%), Asians (34.1%), and Hispanics (33.8%), though the latter group was steadily increasing in both registering and voting. According to Census Bureau data, voters encountering the most problems with registering were in the eighteen-to-twenty-four age group (probably mostly college students) and, to a lesser extent, the twenty-five-to-forty-four age cohort. The basic fact remains, however, that “the nation’s outdated registration system is among the most significant barriers to voting, resulting in the disenfranchisement of millions of Americans during every federal election.” And those millions include disproportionate numbers of racial and ethnic minorities, low-income citizens, the elderly poor, students, and those with disabilities.20

**THE ASSAULT ON VOTING**

After 2010, Republican legislators in two-thirds of the states introduced various bills requiring voters to show photo IDs at the polls, curtailing early voting periods, demanding proof of citizenship,
making registration more difficult, and tightening already draco-
nian rules for former felons to regain their voting rights. Accord-
ing to the Brennan Center for Justice at New York University Law
School, a nonpartisan public policy institute, as many as 11 percent
of U.S. citizens—21 million people—do not have a current photo
ID. Going into the 2012 election, restrictions on voting had been
enacted in nineteen states by means of twenty-five laws and two
executive actions.

Republicans pretend that voter ID laws are needed to prevent
election fraud through impersonation. Yet detailed studies of alleged
instances of voter fraud consistently have found them to be “ex-
tremely rare.” One such study turned up a “handful of substantiated
cases.” An analysis of allegations of impersonation in Missouri in the
2000 election yielded typical results: six substantiated cases of inel-
gible voters out of 622,329 voters in St. Louis City and County, and
a total 2,361,586 voters in the state, a rate of .0003 percent. A photo
ID would not have prevented any of those six from voting. Richard
L. Hasen, a professor of law and political science at the University of
California, Irvine, has not found “a single election over the last few
decades in which impersonation fraud had the slightest chance of
changing an election outcome—unlike absentee ballot fraud, which
changes election outcomes regularly.” Hasen adds, “Let’s face it:
impersonation fraud is an exceedingly dumb way to try to steal an
election.” Republicans promoting voter ID laws have expressed little
interest in curbing the real problem—absentee ballot fraud—while
voter ID laws create additional harm by distracting attention from
needed reforms.\footnote{Courts and the U.S. Justice Department blocked or blunted se-
veral voter ID laws. In two states, citizens voting in referenda repealed
the restrictions. In 2000, among many other malicious election prac-
tices, Florida's Republican state election officials became notorious
for sending out a list purporting to contain the names of 57,000 fel-
ons that needed to be purged from the voting rolls. A Republican-
connected software company had compiled the list, 90 percent of
which was inaccurate. Half of the names on the list were African
American and legal voters. In 2012, the state compiled an even
larger list of 180,000 potential illegal voters, 75 percent of whom}
were blacks or Hispanics. After the state claimed to have found 2,600 suspicious names, it sent them to county supervisors, some of whom found the list “sloppy” or “embarrassing” and, as in 2000, refused to cooperate.22

In 2012, Florida’s Republican legislature and Governor Rick Scott enacted legislation that severely limited the activities of civic-minded voter registration groups, leading the League of Women Voters to discontinue their registration drives; eliminated a longstanding policy of allowing voters to update a new address at the polls; reduced the early-voting period from two weeks to one; and, most egregiously, eliminated the Sunday before Election Day as an early-voting day.23 But these efforts backfired.

Ever since the Voting Rights Act of 1965, the congregations of Florida’s black churches traditionally have gone to the polls on the Sunday preceding Election Day. So in 2012 a wave of indignation and determination swept through black churches, and religious leaders launched a “Souls to the Polls” campaign. On the Sunday eight days before the election, which was the beginning of the early-voting period, black ministers shortened the length of their services, issued ringing calls to their parishioners to vote, and organized fleets of buses to get their now-aroused congregants to the polls. Any doubts regarding the intent of the Republican restrictions dissipated when Jim Greer, a dissident former chair of the state Republican Party, “blew the lid off what he claim[ed] was a systemic effort to suppress the black vote.” Although Greer was on trial for corruption charges and in a vengeful mood toward his party, in a 630-page deposition he confirmed what many Democrats and minority voters believed.24

Despite Republican voter suppression, the nation’s first black president carried Florida in 2012, as he had in 2008, though by a reduced margin of under a percentage point, compared with a 2.82 percent margin in 2008. Blacks and Hispanics voted heavily for Obama in 2012 (95 and 60 percent, respectively), with Latinos up three points from 2008, constituting 17 percent of all voters. Again, however, the election “reinforced Florida’s image as being incapable of conducting fair and efficient elections.” A study by the Advancement Project, in cooperation with the Orlando Sentinel, confirmed that polling places in counties with the highest concentrations of
black and Hispanic voters had the latest closing times (the period extending past the official 7:00 p.m. end of voting so all those already in line were able to vote), which meant they had the longest lines and waits to vote. In Lee County, some citizens did not get to vote until after midnight. In Miami-Dade County, the wait at some precincts extended to a reported seven hours. The voting experience deviated wildly across the state, with many counties experiencing multiple problems and others having the voting go smoothly.25

Voters all over the United States encountered problems and delays at polling places, both during early-voting periods and on Election Day. Yet everywhere, those stains on the electoral process disproportionately troubled Democratic voters, notably black, Hispanic, Asian, and younger voters. “Long Lines, Demands for ID, and Provisional Ballots Mar Voting for Some,” declared a headline in the *New York Times*. A number of voters encountered not just confusion but also intimidation and harassment, notably people of color.26

In his 2013 State of the Union address, President Obama mentioned these problems and added, “By the way, we have to fix that.” He then singled out one of his invited guests in the audience, Desiline Victor, a 102-year-old Haitian American woman who waited four hours to vote on October 27 (during the early-voting period) at the North Miami Public Library polling place. A subsequent report by Florida’s secretary of state, Ken Dentzer, concluded that “most, if not all [Florida] counties, experienced longer wait times than in previous elections due to . . . the record number of voters, a shortened early-voting schedule, inadequate voting locations, limited voting equipment, and a long ballot.” Dentzer did not mention that he had been a strong supporter of Florida’s new voting restrictions, including the “shortened early-voting schedule,” and his claim that “all” counties experienced long waits was egregiously wrong.27 (Obama later appointed a bipartisan commission that is still studying but not fixing the problem—yet.)

Another analysis of voting in Florida counties in 2012 confirmed that wide deviations existed in the voting experience. The study also made clear that in some favored locales, polling places operated smoothly, with minimal waiting times, few or no challenges to voters or removals from the rolls, and no citizens forced to use provisional
ballots. These more-affluent precincts received no harassment from the Tea Party squads that made their intimidating presence felt in some minority precincts in a few states.28

Chapter 5 opened with a “tale of two counties” in Florida: coastal St. Johns County, inhabited by affluent retirees and others enjoying the good life; and next to it inland Putnam County, with a high poverty level, lower life expectancy, greater rates of disease, and inadequate educational and health facilities. According to a county-by-county analysis of the administration of Florida’s 2012 elections, the voting experiences of the two counties mirrored their standing on the scale of quality of life. Based on a thorough examination of variables such as waiting time, the number of registered voters removed from the rolls, the amount of provisional ballots cast, and the number of rejected provisional ballots, St. Johns ranked number one in having the best election administration. Putnam was the second-worst-performing county, with the second-lowest percentage of overall voter registration, the third-lowest level of voter turnout, and the third-most voters removed from registration lists. St. Johns County had the highest turnout of voters in the state, at 83.6 percent, while Putnam, at 57.6 percent, fell well below the state average. The average waiting time for voters after the polls closed was not available for Putnam County, but for St. Johns that figure was a convenient zero minutes.29

Thus stark socioeconomic and demographic inequalities, creating a very different quality of life in Putnam and St. Johns Counties, found a hardly coincidental parallel in their political inequality. While the ability to exercise the right to vote in many Florida counties was impeded by restrictive state laws making it harder for people to vote, as well as by poor election administration, those obstructions bore down hardest on low-income and disadvantaged voters.

THE ASSAULT ON VOTING, CONTINUED

In the wake of the 2012 election embarrassments, legislators of both parties in ten states introduced bills to improve the ability for eligible citizens to register and vote; during the next two years, fifteen states made voter registration easier. Even Florida’s Republican governor called for remedies, and in May the state legislature increased the
number of early-voting days from eight to fourteen and provided many more sites that could be used as polling places. The secretary of state, however, announced that his office would resume efforts to review and purge voter-registration rolls, using a federal database to identify noncitizens illegally registered to vote. Nearly 12 million vote in Florida elections. Yet a scrutiny of registered voters in 2012 identified 207 possible noncitizens on the rolls, and only 39 of them had actually voted.30

Still, the nationwide Republican assault on voting continued unabated, aided significantly by the five-man conservative and partisan majority on the U.S. Supreme Court. In June 2013, in a suit brought by Shelby County, Alabama, the Roberts Court struck down a provision of the 1965 Voting Rights Act that required nine states and certain counties in other states, all with a history of discriminatory practices, to “preclear” any new voting restrictions with the U.S. Department of Justice or the D.C. Circuit Court of Appeals. Both the Mississippi and Texas legislatures enacted strict voter ID laws within twenty-four hours of the Supreme Court’s decision. Before and after the ruling, legislators in thirty-three states introduced ninety restrictive bills, and by the end of the year, nine states enacted new restrictions on voting, with others pending throughout the country. North Carolina’s harsh new law, challenged by the Department of Justice, required all voters to have a photo ID, cut down the early-voting period, eliminated same-day registration during early voting, and placed restrictions on which provisional ballots could be counted.31

These restrictive laws, passed largely by Republicans, aim directly at reducing minority and African American voting. Political scientists at the University of Massachusetts, Boston, analyzed laws enacted between 2006 and 2011 and found their “proposal and passage . . . highly partisan, strategic, and racialized.” Legislatures with increased numbers of Republicans or in states with a newly elected Republican governor tended to enact restrictive measures. Strikingly, these states also had larger African American and noncitizen populations, and higher minority and low-income turnout in 2008. On The Daily Show (a satirical late-night television program), Don Yelton, a precinct chair in Buncombe County, North Carolina, succinctly revealed the motivation behind such legislation: if that state’s new voter ID law “hurts
a bunch of lazy blacks,” then “so be it.” Yelton candidly added that the new law “is going to kick the Democrats in the butt.”

The new “voter fraud” law in Texas is one of the most severe and went into effect the day early voting began for the state’s November 5, 2013, elections. It requires Texans to show one of a limited number of government-issued photo IDs to vote. Acceptable IDs include expired gun licenses from out of state, but not social security cards and student IDs. The League of Women Voters has pointed out that the law creates excessive difficulties for women, since 34 percent of women voters nationally do not have an ID that carries their current name.

Elizabeth Pottinger of Tyler, Texas, was born in West Texas in 1917 and had lived and voted without a problem in East Texas for over thirty years. Since she no longer drives, her driver’s license has expired, and local authorities have twice refused her attempt to register to vote. The second time they asked for a birth certificate and then would not accept that, either. Her daughter, Ann Finster, said that she had ordered a certified copy of her mother’s birth certificate but was told that she also needed to bring marriage verification. Since Pottinger is over sixty-five (ninety-six, to be exact), she will be able to vote by mail, but to vote in person she needs to assemble multiple proofs of her identity. If she does decide to do that, a local cab company has offered to bring her and others who lack transport to the polls. As 2013 ended, the U.S. Department of Justice had once again brought suit against the Texas voter ID law.

During 2014, Republicans in red states continued their campaign to disenfranchise groups that lean Democratic—African Americans, Hispanics, the young, the poor, many elderly—and it paid dividends in the midterm November elections. According to initial calculations by the Brennan Center for Justice, the margin of victory in several hotly contested races came very close to the probable margin of disenfranchisement. This pattern appeared in the elections for U.S. Senate in North Carolina, and for governor in Kansas and Florida; in Virginia, the state’s strict new photo ID law contributed to Democratic Senator Mark Warner winning by just 12,000 votes.

Political inequality is not going away; it is growing. Disenfranchisement continues. The brazen, anti-democratic war on millions of
Americans’ “sacred” right to vote—a partisan, class, racial, and ethnic war on the most disadvantaged—constitutes a betrayal of what generations of Americans fought for, and many died for.

**PRISONS AND FELONS**

*Nationally, an estimated 5.85 million Americans are denied the right to vote because of laws that prohibit voting by people with felony convictions. Felony disenfranchisement is an obstacle to participation in democratic life which is exacerbated by racial disparities in the criminal justice system, resulting in 1 of every 13 African Americans unable to vote.*

*The Sentencing Project website*

Felony disenfranchisement is a legacy of the vicious treatment of freed African Americans after the Civil War, who became subject to arrest and sent to work camps, factories, and mines as convict labor on the flimsiest of excuses. Blacks also lost their right to vote if they committed what Southern states viewed as “Negro crimes,” such as theft, arson, or obtaining money under false pretenses, while whites who committed “white crimes,” including murder, did not lose their right to vote. In a 2003 history of felony disenfranchisement, Angela Behrens, Christopher Uggen, and Jeff Manza observed that in many Southern states, the percentage of nonwhite prison inmates nearly doubled between 1850 and 1870. “By restricting the voting rights of a disproportionately nonwhite population, felon disenfranchisement laws offered one method to avert ‘the menace of negro domination.’” Although the remaining laws “are race neutral” on their face, the racial-containment strategies in their origin persist in what some scholars term “laissez-faire racism,” in contrast to the earlier, explicit Jim Crow racism. In the twenty-first century, the authors found, a larger nonwhite prison population “significantly increases the odds that more restrictive felon disenfranchisement laws will be adopted.”

The United States maintains “the most restrictive [felon disenfranchisement] rules in the democratic world . . . and no state has ever completely abolished a felon disenfranchisement law.” Most states instituted cumbersome methods of appeal by which former felons
might regain full civil status. Kentucky imposes a lifetime denial of the vote and “one of the most burdensome” methods of appeal for restoration in the nation. In 2006, the state had the sixth-highest rate of disenfranchisement in the country and the highest rate of African Americans denied the vote: one out of every four black adults.\textsuperscript{36}

Over the past two decades, there have been countervailing movements among the states, with some removing or liberalizing felon disfranchisement and others remaining rigidly punitive. Since the 2000 election fiasco, Florida’s lifetime denial of the vote to former felons has added to the state’s blemished reputation regarding elections. Nearly one-fourth of African Americans of voting age in Florida are denied the vote by the felon law. In 2007, the state moved to restore voting rights for felons who had served their sentences, but in 2011, Republican governor Rick Scott reversed those reforms and returned to a more stringent denial of the vote to former felons. A similar reversal took place in Iowa. Democratic governor Tom Vilsack, by executive order, reenfranchised former felons, and this action was upheld by the Iowa Supreme Court. But his successor, Republican Terry Branstad, restored felony disenfranchisement.

In 2006, Rhode Island voters approved a referendum amending the state constitution to allow former felons to register to vote after their release from prison. In 2013, Virginia governor Bob McDonnell, a Republican, issued an order for the automatic restoration of voting rights for nonviolent felons, but only on a person-to-person basis; the election of a new Democratic governor later that year offered hope for further liberalization. In Delaware, the legislature not only moved to restore voting rights to nonviolent offenders but also to institute same-day registration. Still, despite progress since the 1990s, as the editors of the \textit{New York Times} put it, “barring offenders from the polls remains a pronounced and malignant problem in the South, . . . especially for blacks.”\textsuperscript{37}

**DEFERRED MAINTENANCE AND INEQUALITY**

In a candid exploration of “why our election system is failing,” Heather K. Gerken suggested that “our election system suffers from the same problem that afflicts the nation’s physical infrastructure:
deferred maintenance.” Neglect and delay have led to collapsing bridges, bursting dams, sudden sinkholes, and washboard city streets. Likewise, the infrastructure of elections is failing because of too few voting machines, many obsolete machines, poorly trained poll workers, not enough polling places, and routine partisan interference. According to Gerken, localism and the decentralization of authority have created a national patchwork of administration that invites political parties to exploit systemic weaknesses. But partisan machinations are hardly the only reasons why voters of all racial, ethnic, and income groups encounter difficulties in casting a free and fair ballot.\textsuperscript{38}

To make the point that partisan interference may not always be at the root of long lines of voters, Gerken deliberately examined Ohio’s notorious conduct in the 2004 presidential election and the highly partisan behavior of Ohio’s secretary of state, Kenneth Blackwell (who was also cochair of George W. Bush’s reelection campaign in Ohio). She described Blackwell’s brazen efforts at voter suppression by making both registration and voting more difficult, including discouraging voter-registration drives and even specifying the weight of paper to be used for registration forms. Criticism from members of his own party caused him to rescind the latter requirement. In 2006, when he ran for governor while still serving as secretary of state, he again tried to hinder voter-registration drives until stopped by a state court. Gerken cautiously concluded that “his actions created the appearance of political bias.”\textsuperscript{39}

Much more can be said (although not mentioned by Gerken) regarding Blackwell and the circumstances that led many Democrats to believe that the Ohio election was not just mismanaged, but “stolen.” Before the 2004 election, Blackwell spent $100 million on electronic voting machines and, during the election, outsourced Ohio’s vote count to a facility in Chattanooga, Tennessee, that also housed the servers for the Republican National Committee. In a 2003 message inviting 100 wealthy friends to a Republican fundraiser, Walter W. O’Dell, chief executive of Diebold, the company that made the machines, said that “I am committed to helping Ohio deliver its electoral vote to the president next year.” Subsequently, Blackwell himself boasted of helping to “deliver” Ohio for President Bush’s
reelection. An investigation of the election, commissioned in 2007 by Ohio's new secretary of state, Democrat Jennifer Lee Brunner, found that “critical security failures were embedded throughout the state’s voting systems.” The December 2007 report by an independent consortium of companies found Ohio’s vote count “vulnerable” and easily manipulated by “fairly simple techniques.” As if all this were not enough, by 2007, in violation of federal election law, fifty-six of Ohio’s eighty-eight counties had lost or destroyed all or part of their 2004 election records.

Yet Gerken asserted that deferred maintenance must be taken into account. In Franklin County, Ohio (which includes Columbus, the state capital), people waited in line to vote for as long as five or six hours in 2004, and many left in frustration. The then director of the Franklin Board of Elections, Matt Damschroeder, a Republican, whom Gerken described as a well-respected “straight-shooter,” claimed that his own mother waited in line for two hours. Further, Franklin’s Board was bipartisan, and the real villain probably was not Damschroeder but a lack of funding for additional machines to prepare for the expected high voter turnout in 2004. Gerken did not insist on this explanation, but she lamented the inadequacy of infrastructure that fuels controversy and accusations of partisan mischief that may not be warranted.

Gerken’s Democracy Index objectively diagnoses problems, but she surely also knows that in 2004, long lines developed in Cleveland’s black precincts because of too few voting machines. What her book does not consider is that inequality and class directly or indirectly influence decisions about election infrastructure, as they do for all manner of public facilities, from parks to roads to playgrounds. Underfunding—resulting in election snafus and challenges to voter legitimacy—are more likely to be experienced by racial and ethnic minorities and low-income voters.

Dirty Tricks
Deferred maintenance disproportionately affects vulnerable groups in the electorate, even members of the military on active duty. These same voters are also likely to be the target of “dirty tricks,” which Richard Scher, in Politics of Disenfranchisement, calls “gaming the
system.” In state and local elections, both Republicans and Democrats engage in underhanded ruses to keep the opposition’s supporters from the polls, while Republicans on the national level seem to resort to them more often.

Dirty tricks have existed ever since there have been elections. Political scientist Richard Franklin Bensel’s *The American Ballot Box in the Mid-Nineteenth Century* described not only the physical and spatial features of voting in eastern cities, but also the mayhem often attending elections as rival partisan gangs used fraud, violence, intimidation, bribery, and trickery to win elections. One such practice was known as “cooping,” which involved locking up supporters in large rooms and keeping them there with food—and whiskey for all-night drinking—until the polls opened the next day. Less benignly, it meant gangs of ruffians confining opposing voters in sheds or cellars, handling them roughly, sometimes relieving them of their purses, and not releasing their victims until the election ended.42

In the twenty-first century, less-direct but often equally effective methods of “cooping” have become known as “caging.” In 2008 in Virginia, fake Board of Elections fliers advised Republicans to vote on November 4 and Democrats to do so on November 5 (the election was held on the fourth). In Philadelphia, an anonymous flier circulated in low-income and African American neighborhoods erroneously telling voters they could be arrested at the polls if they had outstanding arrest warrants or unpaid parking tickets. Months earlier in Colorado, a letter was sent to out-of-state college students falsely warning them that they could not register to vote if their parents claimed them as dependents in another state.

In more recent examples of scams, in 2012 elderly voters in Florida, Virginia, and other states reportedly received phone calls advising them they could vote over the phone. African American and Latino voters claimed to have received calls informing them that car insurance and registration would be checked at the polls in order to vote. Clear Channel (a right-wing radio network) erected billboards in minority areas in Ohio and Wisconsin that warned “Voter Fraud Is a Felony.” After protests, the billboards were removed.43

The trick that led to the term “caging” has been practiced for some time, but it gained notoriety in Florida in 2004. The Bush-Cheney
reelection campaign sent thousands of registered letters marked “Do not forward” to voters’ homes, principally to African Americans and college students, who tend to vote Democratic, but also to soldiers away at war and to the homeless. If the postal service returned mail to the sender because the recipients were no longer at the address used, those voters could get taken off the registration rolls. (The term caging, according to a Republican practitioner, derives from storing the returned letters on steel shelves or in files.) In 2012, a Tea Party–affiliated Florida organization, Tampa Vote Fair, updated the practice by both intimidating former felons into not voting and setting a “trap” for others who may not have had their franchise restored by encouraging them to vote, thus establishing grounds for claiming voter fraud. Dirty tricks can happen to any voter, rich or poor, but more often chicanery targets the most vulnerable.

**Bosses and Voters in the New Gilded Age**
In the New Gilded Age, even many voters with good jobs who are not necessarily minority or low-income individuals experience constraints on their ability to express their political voice freely, as well as coercion to vote as their boss wants. In recent years, employers have increasingly exploited their position of power to sway the votes of both blue-collar and white-collar workers. Corporate bosses defend these efforts as attempts to persuade, but critics see the unequal relationship of employer and employee as intimidation.

The attempt to control the votes of Americans in dependent circumstances reaches back deep into the nation’s history. Tenant farmers and others in rural communities often followed the lead of local landowners, creditors, or merchants. Lawyers who acted as debt collectors stood at the polls, in the interest of their creditor employers, and watched how debtors voted. In the early and mid-nineteenth century, foremen sometimes marched factory workers to the polls. Well into the twentieth century, large-scale businesses told their employees that if they voted the wrong way (usually meaning if they did not vote for a Republican), they might lose their jobs because of the economic consequences of electing the wrong candidates or party.

Since the 2010 decision of the U.S. Supreme Court’s conservative
bloc in *Citizens United*, corporate executives have revived the practice. That decision, which exponentially increased the power of money in elections, contained another, less-recognized feature that injected more inequality into elections. *Citizens United* struck down laws banning employers from discussing political opinions with employees. Thus the 2012 presidential campaign began to resemble those of the First Gilded Age in the nineteenth century, when the Republican Party’s corporate allies launched widespread efforts to influence the voting of their employees. Across the country, letters, fliers, emails, and “information packets” went out from corporate offices to workers, often suggesting and sometimes explicitly recommending for whom they should vote.

Koch Industries, headed by brothers David and Charles Koch, reactionary billionaires and Tea Party supporters, sent out a packet to 30,000–50,000 employees of their Georgia Pacific subsidiary, containing materials identifying Republican candidates favored by the company and warning of the harmful economic consequences of Obama’s reelection and the Affordable Care Act. Other CEOs echoed this theme of their businesses being damaged, with possible consequences resulting for employees through reduced paychecks or lost jobs. David Seigel, chief of Westgate Resorts, a time-share empire, informed his 7,000 employees that “if new taxes are levied on me, or my company, as our current president plans, I will have no choice but to reduce the size of this company.” Arthur Allen, of ASG Software Solutions, said those who voted for Obama would have only themselves to blame if the company needed to undergo drastic changes. The 30,000 employees of Cintas, a uniform supply company (that obtains many federal contracts), received a letter from their CEO warning that health-care reform “amounts to the single largest tax on Americans and business in history” and that overregulation was “suffocating many companies.”

The U.S. Chamber of Commerce encouraged businesses to distribute political advice in paycheck envelopes, and in June 2012, presidential candidate Mitt Romney, in a conference call organized by a business lobby, urged executives to make “very clear to your employees what you believe is in the best interest of your enterprise and therefore their jobs.” Since *Citizens United*, none of these activities
are illegal, but labor union officials believe that suggestions about employees losing their jobs cross the line into intimidation and do, in fact, constitute a veiled threat to fire workers, which is illegal. Business groups counter that labor unions have long engaged in similar activities and also advise their members how to vote. But labor unions cannot fire a worker. Adam Skaggs, senior counsel at the liberal Brennan Center for Justice, argues that “there is an unavoidable power disparity between management and employees.”

The Business Industry Political Action Committee, a lobbying group originally organized in 1963, has stepped up its efforts over the years to realize its slogan, “Electing Business to Congress,” and “to marshal the vast army of American workers” to support policies and candidates favored by their employers. A study commissioned by BIPAC found that “workers tend to trust bosses' recommendations.” No doubt some do, but backlash may result, with other workers resenting the intrusion into their lives outside of their jobs, as well as the creation of a workplace where they feel as though they are under surveillance and inhibited from expressing views contrary to those of the company. Nevertheless, no American citizen should be intimidated into believing that they might lose their job if they do not follow their employer's wishes. Alexander Hamilton, one of the most conservative of the nation’s founders, warned that “in the main, power over a man’s support is power over his will.”

From the early republic through the nineteenth century and well into the twentieth century, at various times and places employers told their workers how to vote. With the rise of unions from the 1930s on, and during the Shared Prosperity era from the 1940s to the 1970s, bosses’ interference in the workplace diminished. In the New Gilded Age of the “dollaroocracy,” weak unions, and rising inequality, political coercion is rising again and taking America back to the late nineteenth century.