

**SPECIAL REPORT**

**THE  
LONG  
SHADOW  
OF JIM CROW**

**Voter Intimidation  
and Suppression in  
America Today**



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# **The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America Today**

## ***Overview***

In a nation where children are taught in grade school that every citizen has the right to vote, it would be comforting to think that the last vestiges of voter intimidation, oppression and suppression were swept away by the passage and subsequent enforcement of the historic Voting Rights Act of 1965. It would be good to know that voters are no longer turned away from the polls based on their race, never knowingly misdirected, misinformed, deceived or threatened.

Unfortunately, it would be a grave mistake to believe it.

In every national American election since Reconstruction, every election since the Voting Rights Act passed in 1965, voters - particularly African American voters and other minorities - have faced calculated and determined efforts at intimidation and suppression. The bloody days of violence and retribution following the Civil War and Reconstruction are gone. The poll taxes, literacy tests and physical violence of the Jim Crow era have disappeared. Today, more subtle, cynical and creative tactics have taken their place.

## ***Race-Based Targeting***

Here are a few examples of recent incidents in which groups of voters have been singled out on the basis of race.

- Most recently, controversy has erupted over the use in the Orlando area of armed, plainclothes officers from the Florida Department of Law Enforcement (FDLE) to question elderly black voters in their homes. The incidents were part of a state investigation of voting irregularities in the city's March 2003 mayoral election. Critics have charged that the tactics used by the FDLE have intimidated black voters, which could suppress their turnout in this year's elections. Six members of Congress recently called on Attorney General John Ashcroft to investigate potential civil rights violations in the matter.

- This year in Florida, the state ordered the implementation of a "potential felon" purge list to remove voters from the rolls, in a disturbing echo of the infamous 2000 purge, which removed thousands of eligible voters, primarily African-Americans, from the rolls. The state abandoned the plan after news media investigations revealed that the

2004 list also included thousands of people who were eligible to vote, and heavily targeted African-Americans while virtually ignoring Hispanic voters.

- This summer, Michigan state Rep. John Pappageorge (R-Troy) was quoted in the *Detroit Free Press* as saying, "If we do not suppress the Detroit vote, we're going to have a tough time in this election." African Americans comprise 83% of Detroit's population.

- In South Dakota's June 2004 primary, Native American voters were prevented from voting after they were challenged to provide photo IDs, which they were not required to present under state or federal law.

- In Kentucky in July 2004, Black Republican officials joined to ask their State GOP party chairman to renounce plans to place "vote challengers" in African-American precincts during the coming elections.

- Earlier this year in Texas, a local district attorney claimed that students at a majority black college were not eligible to vote in the county where the school is located. It happened in Waller County - the same county where 26 years earlier, a federal court order was required to prevent discrimination against the students.

- In 2003 in Philadelphia, voters in African American areas were systematically challenged by men carrying clipboards, driving a fleet of some 300 sedans with magnetic signs designed to look like law enforcement insignia.

- In 2002 in Louisiana, flyers were distributed in African American communities telling voters they could go to the polls on Tuesday, December 10th - three days *after* a Senate runoff election was actually held.

- In 1998 in South Carolina, a state representative mailed 3,000 brochures to African American neighborhoods, claiming that law enforcement agents would be "working" the election, and warning voters that "this election is not worth going to jail."

### ***Recent Strategies***

As this report details, voter intimidation and suppression is not a problem limited to the southern United States. It takes place from California to New York, Texas to Illinois. It is not the province of a single political party, although patterns of intimidation have changed as the party allegiances of minority communities have changed over the years.

In recent years, many minority communities have tended to align with the Democratic Party. Over the past two decades, the Republican Party has launched a series of "ballot security" and "voter integrity" initiatives which have targeted minority communities. At least three times, these initiatives were successfully challenged in federal courts as illegal attempts to suppress voter participation based on race.

The first was a 1981 case in New Jersey which protested the use of armed guards to challenge Hispanic and African-American voters, and exposed a scheme to disqualify voters using mass mailings of outdated voter lists. The case resulted in a consent decree prohibiting efforts to target voters by race.

Six years later, similar “ballot security” efforts were launched against minority voters in Louisiana, Georgia, Missouri, Pennsylvania, Michigan and Indiana. Republican National Committee documents said the Louisiana program alone would “eliminate at least 60- 80,000 folks from the rolls,” again drawing a court settlement.

And just three years later in North Carolina, the state Republican Party, the Helms for Senate Committee and others sent postcards to 125,000 voters, 97 percent of whom were African American, giving them false information about voter eligibility and warning of criminal penalties for voter fraud – again resulting in a decree against the use of race to target voters.

### ***Historical Perspective***

This report includes detailed accounts of the recent incidents listed above, and additional incidents from the past few decades. The report also lays out a historical review of more than a hundred years of efforts to suppress and intimidate minority voters following emancipation, through Reconstruction and the “Second Reconstruction,” the years immediately following the passage of the Voting Rights Act.

The 1965 Voting Rights Act was among the crowning achievements of the civil rights era, and a defining moment for social justice and equality. The stories of the men and women who were willing to lay down their lives for the full rights of citizenship, including first and foremost the right to vote, are the stuff of history.

Their accomplishments can never be erased. Yet as this report details, attempts to erode and undermine those victories have never ceased. Voter intimidation is not a relic of the past, but a pervasive strategy used with disturbing frequency in recent years. Sustaining the bright promise of the civil rights era, and maintaining the dream of equal voting rights for every citizen requires constant vigilance, courageous leadership, and an active, committed and well-informed citizenry.

### ***The Challenges of the 2004 Election and Beyond***

The election problems in Florida and elsewhere that led to the disenfranchisement of some four million American voters in 2000 elections cast a harsh spotlight on flaws in our voting system, problems that involved both illegal actions and incompetence by public officials, as well as outdated machines and inadequate voter education. As

election officials nationwide struggle to put new voting technology into place, redesign confusing ballots and educate voters, the opportunities for voter intimidation and suppression have proliferated along with opportunities for disenfranchisement caused by voter confusion and technical problems.

With widespread predictions of a close national election, and an unprecedented wave of new voter registration, unscrupulous political operatives will look for any advantage, including suppression and intimidation efforts. As in the past, minority voters and low-income populations will be the most likely targets of dirty tricks at the polls.

## **Voter Intimidation in Recent Years**

Voter intimidation and suppression efforts have not been limited to a single party, but have in fact shifted over time as voting allegiances have shifted. In recent decades, African American voters have largely been loyal to the Democratic Party, resulting in the prevalence of Republican efforts to suppress minority turnout. Those efforts have also been extended in recent years to Latino communities.

During the 2003 mayoral election in Philadelphia, fully seven percent of a poll of 1000 African American voters described troubling experiences at the polls. Men with clipboards bearing official-looking insignia were reported at many precincts in African American neighborhoods.

Tom Lindenfeld, who ran the counter-intimidation campaign for Democratic candidate John Street, said this deployment included a fleet of 300 cars that featured decals closely resembling those of federal law enforcement agencies, such as the Drug Enforcement Agency and the Bureau of Alcohol, Tobacco and Firearms. Many prospective voters reported being challenged for identification by such workers. Lindenfeld told reporters from the *American Prospect* that "What occurred in Philadelphia was much more expansive and expensive than anything I'd seen before, and I'd seen a lot."<sup>1</sup>

In fact, the scope of such efforts during the past two decades is startling. Based primarily on reports gleaned from newspapers across the nation, there have been documented instances of the following:

- Challenges and threats against individual voters at the polls by armed private guards, off-duty law enforcement officers, local creditors, fake poll monitors, and poll workers and managers.
- Signs posted at the polling place warning of penalties for "voter fraud" or "non-citizen" voting, or illegally urging support for a candidate.
- Poll workers "helping" voters fill out their ballots, and instructing them on how to vote.

- Criminal tampering with voter registration rolls and records.
- Flyers and radio ads containing false information about where, when and how to vote, voter eligibility, and the false threat of penalties.
- Internal memos from party officials in which the explicit goal of suppressing black voter turnout is outlined.

A Republican effort in New Jersey in 1981 provided a model that was repeated across the country in the last two decades. The Republican National Committee and the New Jersey Republican State Committee engaged in a “concerted effort to threaten and harass black and Hispanic voters”<sup>2</sup> via a “ballot security” effort. It involved widespread challenging of individual voters and an Election Day presence at African American and Latino precincts featuring armed guards and dire warnings of criminal penalties for voting offenses. A legal challenge eventually led to a court order and an agreement by the GOP groups not to employ such intimidation tactics.

But such tactics persist, as the incidents cited below, most recent first, attest:

## 2004

In **Kentucky**, Jefferson County Republican chair Jack Richardson<sup>§</sup> announced plans to put challengers in predominantly Democratic precincts for the November elections. The party had executed a similar plan in 2003, drawing protests from civil rights leaders and local Democrats who claimed that African American precincts were being targeted.<sup>3</sup>

In 2004, the move also sparked protests from a group of Republicans, who described the challenger plan as “rogue and racist behavior” and called for Richardson to resign. The group included many African American Republicans. State Senate candidate Ron Burrell explained that he felt his outreach efforts to young African American voters had been harmed. Mary Hardin, a veteran GOP poll worker, expressed anger that, in 2003, she had been replaced by a white Republican who did not live in the area. Hardin said she had visited several precincts that day in western Louisville and was surprised to find white Republicans in almost all of them. A campaign spokesman for Louisville Republican Rep. Anne Northrup did not call for Richardson’s resignation, but did respond to the issue of challengers in a statement: “In every precinct we need two good Democrats and two good Republicans to work the polls as the law prescribes. We do not need challengers.”<sup>4</sup>

In Detroit, **Michigan**, state Rep. John Pappageorge (R-Troy) was quoted in the *Detroit Free Press* as saying, “If we do not suppress the Detroit vote, we're going to have a tough

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<sup>§</sup> Less than two weeks before the challenger plan was announced, Richardson garnered national attention for his defense of a bumper sticker that read “Kerry is bin Laden's Man/Bush is Mine.” (Bruce Schreiner, “Sticker: ‘Kerry is bin Laden's Man,’” *Associated Press*, 7/17/04.)

time in this election.” State Sen. Buzz Thomas (D-Detroit) reacted to the comment by alleging: “That's quite clearly code that they don't want black people to vote in this election.” African Americans comprise 83% of Detroit’s population. Pappageorge attempted to clarify his remarks by saying: “In the context that we were talking about, I said we’ve got to get the vote up in Oakland (County) and the vote down in Detroit. You get it down with a good message. I don't know how we got them from there to ‘racist.’”<sup>5</sup>

In **Texas**, students at the predominantly African-American Prairie View A&M University challenged a local district attorney’s claim that they were not eligible to vote in the county. Waller County district attorney Oliver Kitzman wrote a letter to the local election administrator, later published in the local newspaper, threatening to prosecute persons who failed to meet his definition of having a legal voting address.<sup>6</sup> In fact, an earlier controversy had led to a lawsuit and a 1978 federal court order prohibiting the local registrar from treating Prairie View students differently from other county voters.

Texas’ secretary of state and attorney general both affirmed the well-established right of students to vote in their university towns if they designate their campus address as their residence.<sup>7</sup> In view of the controversy and the court order, the Justice Department is investigating whether Waller County is complying with the terms of the federal order. The students and the local NAACP have taken legal action to ensure that students will not face prosecution and have also filed a lawsuit seeking to extend the time for early voting and require local authorities to obtain Justice Department permission before making such changes.<sup>8</sup>

## 2003

In Louisville, **Kentucky**, Jefferson County Republicans planned to place Election Day challengers at 59 voting precincts in predominantly black neighborhoods. Though party officials claimed the precincts were chosen without regard to race, the flyer recruiting volunteers specifically mentioned black labor unions as a “militant” force allegedly encouraging voter fraud.<sup>9</sup>

In Philadelphia, **Pennsylvania**, men with clipboards bearing official-looking insignias were reportedly dispatched to African American neighborhoods. Tom Lindenfeld, who ran a counter-intimidation campaign for Democratic candidate John Street, said there were 300 cars with the decals resembling such federal agencies as the DEA and ATF and that the men were asking prospective voters for identification. In a post-election poll of 1000 African-American voters, seven percent said they had encountered such efforts.<sup>10</sup>

## 2002

In Pine Bluff, **Arkansas**, five Republican poll watchers – including two staff members of Senator Tim Hutchinson’s office – allegedly focused exclusively on African Americans, asking them for identification and taking photographs during the first day of early voting. The chair of the county Democratic Party and Election Commission said the tactics caused some frustrated black voters to not vote. “They are trying to intimidate African American voters into not voting,” said the Democrat coordinating national efforts with Arkansas’ campaigns. “They were literally going up to them and saying, ‘Before you vote, I want to see your identification.’” Local law enforcement officials escorted the poll watchers out, but they later returned.<sup>11</sup>

In **Louisiana**, flyers were distributed in African American communities stating, “Vote!!! Bad Weather? No problem!!! If the weather is uncomfortable on election day [Saturday, December 7th], remember you can wait and cast your ballot on Tuesday, December 10th.”<sup>12</sup> In a separate incident, apparently targeting potential supporters of Democratic Senator Mary Landrieu, the Louisiana Republican Party admitted to paying African American youths \$75 to hold signs aloft on street corners in black neighborhoods that appeared to discourage African-Americans from voting. The signs said: “Mary, if you don’t respect us, don’t expect us.”<sup>13</sup>

In **Pennsylvania**, GOP Rep. George Gekas reportedly put together a systematic effort to “challenge” voters in counties favorable to his Democratic opponent, Rep. Tim Holden. The *Lebanon Daily News* wrote: “Gekas...has distributed among county officials and volunteers an 18-page manual that includes a section about ‘challenging a voter.’ That’s right: Gekas volunteers aren’t just going to challenge absentee ballots, but are going to try to block some people who show up at the polls from casting votes.” A Gekas campaign spokesman who said the manual “had been drafted by Republican authorities at the national level and had not been tailored to Pennsylvania law.”<sup>14</sup>

In Baltimore, **Maryland**, anonymous fliers were posted in some African-American neighborhoods with the heading “URGENT NOTICE.” The flier listed the wrong date for Election Day and warned that parking tickets and overdue rent should be paid before voting.<sup>15</sup>

In **South Dakota**, the state attorney general announced a voter fraud initiative in coordination with the Justice Department, which had just announced a “Voting Integrity Initiative.” In this case, that involved working with the FBI to send state and federal agents to question almost 2,000 newly registered Native American voters. No probe was announced to investigate new registrants in counties without significant Native American populations, despite the fact that those counties contained most of the new registrations in the state.<sup>16</sup>

As the election approached, specific allegations of voter registration fraud led to the filing of criminal charges against a Native American woman registering voters on reservations for the Democratic Party.<sup>17</sup> It was also the topic of a Republican direct mail



piece. Democrats charged the piece was inaccurate and the GOP later apologized for its use of a newspaper headline that did not relate to the subject.<sup>18</sup> Eventually, the GOP attorney general found some of the affidavits alleging the fraud to be false themselves, and described the search for wrongdoing to have been “fueled by vapor and fumes.”<sup>19</sup> Charges against the woman were dropped in 2004.<sup>20</sup>

In **Tennessee**, a state Republican Party plan to challenge would-be voters at polling places drew the scrutiny of elections officials and the Justice Department just a few days before the general election. The state’s Election Coordinator accused state Republicans of spreading “misinformation” about voter eligibility to GOP poll workers and urged county election officials to reject inappropriate challenges at the polls. The warning was prompted by an internal GOP e-mail, obtained by Justice Department lawyers, which encouraged party poll watchers to “Challenge voters who concern you.”<sup>21</sup>

In the wake of the incident, the Tennessee Democratic Party sued the Tennessee Republican Party in federal court, accusing the GOP of routinely trying to illegally depress voter participation and asking the judge to enforce the state election coordinator’s instructions to counties.<sup>22</sup> The lawsuit was settled in 2003, with neither political party admitting to any prior wrongdoing, but agreeing to a memorandum of understanding listing legal and illegal activities for party poll watchers, polling staff and volunteers.

Unlawful activities included: directly confronting voters, intimidating legitimate voters, giving voters misleading information, dressing to look like law enforcement officials, photographing voters with the intent of intimidating them, and interfering with voters as they prepare to and cast their ballots.<sup>23</sup>

## 2000

In **Florida**, there were a number of troubling instances of voter intimidation in addition to the myriad of technical problems with Florida’s 2000 election. On Election Day, the NAACP national office in Baltimore reported receiving “scores of calls from Floridians all across the state” reporting intimidation and other irregularities.<sup>24</sup>

Immigrant communities are often vulnerable to intimidation efforts, and Miami’s Haitian-American communities reported many instances in 2000. Marleine Bastien, founder of Haitian Women of Miami, Inc. recalled getting many calls from people who were prevented from voting due to intimidation and complained of being insulted.<sup>25</sup> §

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§ These were only a few of the problems Bastien encountered. According to the summary of her testimony: “phone calls came from first time voters who needed help; phone calls came from people who were prevented from securing someone who would go to the booth with them; calls came from people who were in line, who were turned around and prevented from voting even though they were in line before seven o’clock; phone calls from people whose precincts were closed early which is against the law; phone calls from people who were told because they did not have identification they could not vote even though they were registered to vote, and they didn’t know they could

Then-Secretary of State Katherine Harris ordered local elections supervisors to purge 57,700 voters from voter registration lists, based on a highly flawed list of felons alleged to be ineligible to vote. The “scrub” list was about 54% African-American and Latino and overwhelmingly Democratic. It resulted in a number of eligible voters being turned away from the polls.<sup>26</sup>

In **North Carolina**, the Duplin County Board of Elections staff was removed due to a number of allegations of fraudulent and criminal behavior. The allegations included altered signatures, unauthorized voter address changes, and voter intimidation at the polls. The local district attorney refused to prosecute in spite of overwhelming evidence of criminal behavior, according to the civil rights watchdog group Democracy South. The director of the elections board was the aunt of the largest corporate hog farm owner in the state and many corporate farm owners were campaigning against a Republican state representative who was one of their main critics in the legislature.<sup>27</sup>

## 1998

In **North Carolina**, GOP officials in Mecklenburg and Cumberland counties planned to videotape people in some heavily Democratic precincts, saying it was to prevent voting fraud. State GOP spokesman Richard Hudson said poll-watching programs targeted heavily Democratic voter registration precincts, not racial groups. However, as a result of complaints about the plans, the Justice Department sent out letters making clear that videotaping minority voters at or near the polls violates the 1965 Voting Rights Act.

Despite the GOP spokesman’s claim, the *Associated Press* reported that a Justice Department official, speaking on grounds of anonymity, described such monitoring of voters as a phenomenon of the last 10 years. The official noted that it started in 1988 with uniformed security guards being placed in mostly Latino precincts in Orange County, California. “All of these moves are called ballot security moves, moves by plain citizens to keep illegal voters from the polls,” the official said, “but none targeted illegal voters. They all targeted minority voters and specifically threatened them with some dire consequence if there are problems with voter records.”<sup>28</sup>

In Dillon County, **South Carolina**, several days before Election Day, GOP state Rep. Son Kinon mailed more than 3,000 brochures to black voters. The outside of the brochure read, “You have always been my friend, so don’t chance GOING TO JAIL on Election Day!” ... “SLED agents, FBI agents, people from the Justice Department and undercover agents will be in Dillon County working this election. People who you think are your

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insist to vote, they didn’t know they had the right to do that and these people were turned away. “I had a man who was crying on the phone. He was telling me, ‘Marleine, I spent so many years before I could become a U.S. citizen. I went through so much. This is the first time in my life that I have a chance to vote...first time in my life. And I was turned away and I couldn’t vote.’”

friends, and even your neighbors, could be the very ones that turn you in. THIS ELECTION IS NOT WORTH GOING TO JAIL!!!!!!”<sup>29</sup>

### 1996

In Charleston County, **South Carolina**, a longtime pattern of voter intimidation was observed during another election cycle. Election Commission member Carolyn Collins testified in a subsequent voting rights case about her observations of inappropriate behavior by white poll managers in majority African American precincts. One such manager had reportedly intimidated a number of voters and, when approached by Collins, replied that he did not have to follow her instruction.<sup>30</sup> According to court papers, Collins also “testified that she had received complaints from African-American voters concerning rude or inappropriate behavior by white poll officials in every election between 1992 and 2002.”<sup>31</sup> (See also 1986, 1990)

### 1994

Under the guise of investigating a series of church arsons in **Alabama**, the FBI approached 1000 people and interrogated voters about possible fraud. Many were asked to submit handwriting samples. There were few convictions, but voter turnout was down, even though the number of registered voters was up.<sup>32</sup>

### 1993

In **New York City**, signs in English and Spanish were posted at subway entrances, on lamp posts, on phone booths and other locations in Latino areas in Manhattan, Brooklyn and the Bronx. The signs misinformed voters about the role of federal officials in the election, incorrectly stating that federal authorities, including immigration officials, would be at the polls. The signs also threatened illegal voters with prosecution, severance of benefits and deportation.<sup>33</sup>

In **Philadelphia**, prior to Election Day, campaign workers walked door-to-door in Latino neighborhoods to convince or coerce voters to cast absentee ballots. According to the Justice Department, the workers were “allegedly misleading the voters about the documents they were signing, or steering or intimidating the voters into voting for the Democratic candidate.” Voters reported that they were misled about the state’s absentee voting laws and told they could vote at home as a “new way of voting.”<sup>34</sup>

### 1990

In **North Carolina**, the North Carolina Republican Party, the Helms for Senate Committee and others sent postcards to 125,000 voters, 97% of whom were African American, giving them false information about voter eligibility and combining this information with a warning concerning criminal penalties for voter fraud. A lawsuit

was filed and, in 1992, the various defendants and the Justice Department signed a consent decree. Among other things, the decree enjoined the defendants from intimidation of voters, as well as engaging in any ballot security program “directed at qualified voters in which the racial minority status of some or all of the voters is one of the factors in the decision to target those voters.”<sup>35</sup>

In Charleston County, **South Carolina**, a member of the election commission and others participated in a Ballot Security Group that sought to prevent African American voters from seeking voting assistance.<sup>36</sup> One Republican poll manager became so aggressive in his voter intimidation efforts that he was physically removed from the precinct by the police.<sup>37</sup> (See also 1986)

In **Texas**, postcards were sent to elderly voters in Gregg County who had requested absentee ballots. The cards urged them to “throw that mail ballot in the trash” and “walk proudly into the voting place ... in honor of the many who fought and died for your right to walk into the polls.” Once someone requests an absentee ballot in Texas, however, they cannot vote in person without going through a complicated procedure to cancel the absentee ballot.<sup>38</sup>

## **1988**

In **Texas**, Republican-sponsored radio ads targeted Latino voters in Hidalgo County. The ads mentioned possible prison sentences for non-citizens who vote and twice reminded listeners that election officials “will be watching.” Rep. Jack Brooks (D-TX) successfully requested Justice Department monitors as a result of the ads. He told U.S. Attorney General Dick Thornburgh: “It should be clear that this advertising campaign, accompanied by the repeated ‘Big Brother’ warning that ‘election officials are watching,’ was not motivated by the benign goal of discouraging illegal voting, but rather is an obvious attempt to hold down overall voter turnout among Spanish-speaking citizens by injecting an element of fear into the voting process.”<sup>39</sup>

In **California**, the Orange County Republican Party hired uniformed security guards to be posted at polling places in heavily Latino precincts. The guards displayed bilingual signs warning non-citizens not to vote, and such signs were also posted in Latino neighborhoods days before the election.<sup>40</sup> The guards, wearing blue uniforms and badges, were removed from the polling places after the chief deputy secretary of state said their presence was “unlawful intimidation of voters.”<sup>41</sup>

The GOP officials involved in the plan, working on the campaign of GOP state assembly candidate Curt Pringle, claimed they acted on rumors that there was illegal registration of voters. However, according to the *Orange County Register*, they admitted they had no evidence of such activity and were concerned because of a sudden surge in voter registration in some Latino neighborhoods.<sup>42</sup> Many local Latino Republican officials were outraged. GOP Santa Ana councilman John Acosta said: “This has to be

the most blatant method of intimidating that I have ever seen. ... It's un-American and I would say it borders on Nazism."<sup>43</sup>

As the controversy grew, the county registrar of voters said that he had warned Republican officials four weeks before the election not to challenge voters at the polls.<sup>44</sup>

In 1989, the Orange County GOP paid \$400,000 to settle a lawsuit stemming from the program. The plaintiffs donated \$150,000 of the settlement to nonpartisan Latino voter registration efforts in the area. They also released some evidence gathered during the trial, including a map given to a sign-making company by the GOP campaign that indicated intended sign placement. Signs reading "Thank You Curt Pringle" were to go in predominantly white areas and bilingual signs saying "Non Citizens Can't Vote" were to be placed in largely Latino areas.<sup>45</sup>

## 1986

In **Louisiana**, state Republicans piloted a "ballot security" effort that targeted African American voters. The program backfired during the 1986 Senate race between Republican Rep. W. Henson Moore and Democratic Rep. John B. Breaux. Before the runoff, documents were released showing that a Republican National Committee official said the Louisiana "ballot security" program would "eliminate at least 60- 80,000 folks from the rolls. . . . (T)his could keep the black vote down considerably." Breaux won by 77,000 votes.<sup>46</sup>

In the same year, the RNC planned a similar mass mail campaign to identify potential voters to challenge, sending the mailing to black and rural precincts in **Georgia, Missouri, Pennsylvania, Michigan and Indiana**. The letters, stamped "do not forward" would be returned to the post office if not deliverable and form the basis of a list to challenge voters qualifications.<sup>47</sup> In July 1987, the RNC settled a lawsuit concerning the program based on the 1982 consent decree. DNC official Jane Harmon said the settlement would effectively end such efforts to "target and disfranchise minority programs with so-called 'ballot security' programs."<sup>48</sup> Unfortunately, this prediction was not fulfilled, as such intimidation efforts continued.

In Charleston County, **South Carolina**, a member of the county election commission and the chairwoman of the county Democratic Party obtained a restraining order prohibiting election officials from interfering with the right to vote and requiring them to provide voters with assistance upon request. Truet Nettles, a former state magistrate judge and a member of the county election commission throughout the 1980s and 1990s, explained that white poll managers would "give the third degree" to African American voters who sought assistance.<sup>49</sup> According to Nettles, the poll managers who were nominated by the Republican Party in the African-American precincts would ask questions like this: "Why do you need assistance? Why can't -- can't you read and write? And didn't you just sign in? And you know how to spell your name, why can't

you just vote by yourself?”<sup>50</sup> However, the local Ballot Security Group organized by local Republicans largely ignored the order according to voting rights expert Laughlin McDonald.<sup>51</sup>

## **1985**

In **Alabama**, then-U.S. Attorney Jeff Sessions probed three veteran civil rights activists for voter fraud in the Mobile area. In what became a national story, Albert Turner, a former aide to Rev. Martin Luther King Jr., Evelyn Turner and Spencer Houge Jr. all denied the charges that they had illegally obtained absentee ballots and forged voters’ signatures. The defendants, known as the Marion Three, were acquitted on all counts<sup>52</sup> with less than three hours of deliberation.<sup>53</sup> A year later Sessions revealed some of his motivations and attitudes during his controversial nomination for a federal district judgeship.<sup>§</sup> Among other things, he admitted saying he thought the NAACP was “un-American.”<sup>54</sup>

At the same time, the U.S. Attorney in Birmingham, Frank Donaldson, was trying to pursue a voter fraud case against SCLC activist Spiver Gordon. Gordon was found guilty, but an appeals court overturned his conviction. The court ruled that Gordon was denied equal protection because the government struck every potential black juror from his trial.<sup>55</sup>

Author David Burnham noted the selective nature of the prosecutions, writing that the “aggressive approach to election fraud does not appear to have been pursued when it came to white Republicans.”<sup>56</sup> Furthermore, Burnham argued: “There is a wide range of evidence, some direct, some circumstantial, showing that the vast enforcement powers of the Justice Department were specifically harnessed to combat the lawful political gains of black Americans in Alabama during the Reagan and Bush administrations. There were several levels in this campaign. National enforcement policies were altered in such a way that the perceived enemies of the white Republicans in Alabama were subject to investigation. Federal prosecutors persuaded grand juries to bring numerous cases, most of them flawed, as a result of the changed policy.”<sup>57</sup>

## **1982**

In **Texas**, a group of Dallas Republicans, including a state judicial candidate, posted signs outside polling places in predominantly African American neighborhoods in South Dallas. The 24-foot signs warned against influencing voters or violating election law in large red letters, saying: “You Can Be Imprisoned. Don’t Risk It. Obey the Law.” The Legislature later banned posting signs within 100 feet of polls unless authorized by the Secretary of State.<sup>58</sup>

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<sup>§</sup> Sessions’ nomination was ultimately rejected by the Senate Judiciary Committee, though he went on to be elected to the Senate and now serves on that very committee.

In Burke County, **Georgia**, it was reportedly “still the custom for white creditors to stand prominently near the polls on election day.” This continuing form of economic intimidation was observed by Alex Willingham in the pages of the Southern Regional Council’s journal, *Southern Changes*.<sup>59</sup>

## **1981**

In **New Jersey**, the Republican National Committee’s National Ballot Security Task Force (BSTF) hired armed, off-duty police officers wearing armbands to patrol polling sites in black and Hispanic neighborhoods of Newark and Trenton.<sup>60</sup> The BSTF started by mailing letters, using an outdated voter registration list, to largely African-American and Latino districts. The letters were to be returned if they were not deliverable and the 45,000 returned letters were converted directly into a list of voters to be challenged. The RNC requested that election supervisors use the list to strike the voters from the rolls, but the Commissioners of Registration refused when they discovered that the RNC had used outdated information.

On Election Day, the RNC posted large signs, without identification and with an official appearance, reading:

“WARNING  
THIS AREA IS BEING PATROLLED BY THE  
NATIONAL BALLOT  
SECURITY TASK FORCE  
IT IS A CRIME TO FALSIFY A BALLOT OR  
TO VIOLATE ELECTION LAWS”

The armed officers were drawn from the ranks of off-duty county deputy sheriffs and local police and prominently displayed revolvers, two-way radios and BSTF armbands. BSTF patrols challenged and questioned voters at the polls and blocked the way of some prospective voters.<sup>61</sup>

A civil lawsuit was filed after the election charging the RNC with illegal harassment and intimidation. The suit was settled in 1982, when the state and national Republican parties signed a pledge in U.S. District Court that they would not allow tactics that could intimidate Democratic voters, though they did not admit any wrongdoing. Democrat James J. Florio lost to Republican Thomas H. Kean by 1,797 votes in the gubernatorial election.<sup>62</sup> The court order that resulted was invoked in a number of similar incidents throughout the 1980s and early 1990s. And the pattern of sending mailings and creating questionable challenge lists was a model that endured as well.

## **The Historical Roots of Voter Intimidation and Suppression**

Recent efforts to obstruct, suppress, and intimidate voters have long historical roots. These efforts have precedents in the reactionary violence and abandonment of constitutional principle in the wake of Reconstruction and the massive resistance to the federal Voting Rights Act of 1965.

### ***Reconstruction and Jim Crow***

After the Civil War and passage of the 14<sup>th</sup> and 15<sup>th</sup> Amendments – and rigorous military enforcement by the victorious North – Mississippi had two African American senators, and 20 black representatives were elected to Congress from the South during Reconstruction. Hundreds of former slaves served in Southern state legislatures.<sup>63</sup> In his defining history of the era, Eric Foner noted the radicalism of Reconstruction: “[P]rodded by the demands of four million men and women just emerging from slavery, Americans made their first attempt to live up to the noble professions of their political creed – something few societies have ever done.”<sup>64</sup>

Only a tremendous wave of violence could transform these revolutionary gains into the Jim Crow perversion of democracy that dominated the South in the early 20<sup>th</sup> century. South Carolina’s Senator “Pitchfork” Ben Tillman, who led one of the bloodiest campaigns against black enfranchisement, expressed what happened after Reconstruction most clearly. Said Tillman: “We have done our level best. We have scratched our heads to find out how we could eliminate every last one of them. We stuffed ballot boxes. We shot them. We are not ashamed of it.”<sup>65</sup>

This violence was accompanied by the federal government’s abandonment of Reconstruction. In 1877, Southern Democrats struck a deal with GOP presidential candidate Rutherford B. Hayes to help Hayes win the contested election of 1876. In exchange, the military force that had enforced the radical political gains in the South was withdrawn. For supporting Hayes, the Southern Democrats were able to ensure white political supremacy for decades to come. The notorious laws of the Jim Crow era followed.

It is hard to overemphasize the magnitude of what happened after the Compromise of 1877. Historian Michael Perman studied the process of disfranchisement in every Southern state and argues that it was “quite possibly one of the most dramatic and decisive episodes in American history.” He observed that these “ruthless acts of political surgery” dominated political life in the South as states called constitutional conventions and passed amendments.<sup>66</sup> Eric Foner points out that America was the only major country in which former slaves enjoyed “a real measure of political power” after emancipation, though it only lasted for just over a decade.<sup>67</sup>

When federal troops were withdrawn from the South in 1877, violence, intimidation and corruption were powerful tools the Southern white elite used to put itself back in



power. Once seats in government were obtained, legalistic barriers like poll taxes and literacy tests were put into place to ensure that African Americans would not regain political power. By the middle of the 20<sup>th</sup> century, much of the violence and intimidation meant to deny African Americans the right to vote happened long before Election Day. Simply registering to vote was the most dangerous step, so intimidation at the polls was not as important as it would become in later decades. Most people would never get that far.

### ***The Second Reconstruction: The 1965 Voting Rights Act***

The Voting Rights Act of 1965 stands today as one of the signal legislative achievements of modern democracy. Without the passage of this act along with intense and sustained federal involvement and enforcement, no meaningful and lasting rights for African Americans could have been secured.

A number of laws targeting voting rights were passed in 1957, 1960 and 1964, but they relied primarily on lawsuits for enforcement.<sup>§</sup> The 1965 Act not only strengthened the ability to bring legal challenges, it also added other enforcement mechanisms, such as federal registrars and observers and preclearance requirements for areas with poor voting rights records. Prior to the Voting Rights Act, minority voting rights were protected in word, but not in deed.

Even with these positive changes, enforcing the law was a struggle against a deeply ingrained system of racism and repression. It is no accident that historians call this period the Second Reconstruction.

But what happened after the initial focus faded? Though many of the oppressive methods of segregation were successfully eradicated, new ways to curtail minority political power evolved. The Voting Rights Act and federal enforcement methods provided newly empowered voting rights activists with powerful tools to combat these efforts, but they persisted nonetheless. Strong organizing and a commitment to change patterns of social injustice were needed, but so was continued federal presence and more legislation and litigation. Expansions of the Voting Rights Act in 1970, 1975 and 1982 gave the government and civil rights groups additional tools to ensure that the voting rights of previously disfranchised groups were protected. And not just in the South.

The VRA outlawed discriminatory tests like poll taxes and literacy tests in many Southern states in 1965. However, such limits also existed in other regions and were

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<sup>§</sup> The ACLU's Laughlin McDonald observed, these earlier laws "did not result in the enfranchisement of any appreciable number of people." In fact, to a certain extent, the litigation required "merely played into the hands of recalcitrant officials and gave them further opportunity to evade their obligations under the law." *Voting Rights in the South*, Laughlin McDonald, January 1982, p. 15.

not outlawed nationwide until 1970. This 1970 extension of the Voting Rights Act dealt with exclusionary tests in 20 other states, including New York, Illinois and California.<sup>68</sup>

In 1968 the U.S. Commission on Civil Rights published *Political Participation*, a study evaluating the effect of the VRA on African Americans in 10 Southern states. In the report's introductory letter to the President and Congress, the Commission noted the successes of the VRA were "a great upsurge in voter registration, voting, and other forms of political participation by Negroes in the South." However, the main finding of the report was that many new barriers had been developed in the first few years following the VRA.<sup>69</sup> The Commission described a number of incidents and grouped them into the following categories.

- *Diluting the African-American vote* – Switching to at-large elections (e.g. selecting legislative representatives through county-wide voting rather than through smaller legislative districts) was one method used to prevent African Americans from being elected in smaller areas in which they were a majority of the voting population. Consolidating counties and redrawing legislative districts served a similar purpose, making African Americans a minority in a larger county when they once were a majority in previous districts.
- *Preventing African Americans from becoming candidates or obtaining office* – After the VRA some of the tactics to avoid allowing African Americans into political office involved changing the actual office. These included abolishing an office once an African-American candidate filed to run, extending the term of white incumbents to put off elections, and changing an elected office to an appointed office. Other discriminatory devices included increasing fees to run for office, adding requirements for getting on the ballot, not telling prospective African American candidates about information they would need to run for office, delaying paperwork of African Americans who wanted to run for office and trying to keep African Americans from taking office once they had won an election.
- *Discrimination against African Americans in voting* – After the VRA, some African Americans were excluded from precinct meetings where many key decisions were made. They were also improperly kept off of voting lists, given inadequate or wrong instructions at the polls, had their ballots wrongly disqualified and denied the equal opportunity to vote by absentee ballot. The Commission also found discrimination in the location of polling places and a failure to provide sufficient voting facilities. Racially segregated voter lists and polling places were also found.
- *Exclusion of and interference with African-American poll workers* – Poll watchers were "considered to be the only resource through which Negro candidates can monitor the election process to deter irregularities and to identify instances of racial discrimination and vote fraud." In this area too, African Americans in Southern states examined by the Commission suffered discriminatory treatment, harassment and outright exclusion.<sup>70</sup>

- *Vote Fraud* – Voter fraud was also reported as one of the tactics used to defeat African American candidates.<sup>71</sup>
- *Discriminatory selection of election officials* – Just as poll workers serve as observers that secured the voting rights of African Americans, poll managers, inspectors, judges and clerical workers were a key to safe and secure elections. Though African Americans served in many areas without incident, there was discrimination in the selection in many other areas, no doubt opening the door to intimidation in such areas.<sup>72</sup>
- *Intimidation and Economic Dependence* – As was common before the VRA, African Americans who were known to be politically active were subjected to threats of physical and economic harm in the first few years after the VRA.<sup>73</sup>

The following are among the incidents of harassment, intimidation and suppression documented by the Civil Rights Commission; they provide a telling look at the flawed institution of voting and at Deep South states in transition from 1965-68:

### 1966

In **Alabama**, many instances of harassment and intimidation were reported surrounding the candidacy of Rev. Linton Spears, an African American running for the Democratic nomination for Choctaw county commissioner. The types of intimidation directed at African American voters included white election officials using abusive language, not allowing the voters to talk in line, and making the voters hand the ballot to them, a practice many voters feared would compromise the secrecy of their ballot. Based on the complaints, the Justice Department sent observers to the runoff election and greatly reduced the intimidation.<sup>74</sup>

In **Mississippi**, the Commission received reports that, in certain areas, polling places were located in plantation stores “where Negro plantation workers could be intimidated easily by the plantation owner and where they were afraid to vote for fear that a principal source of credit would be withdrawn.”<sup>75</sup>

In **South Carolina**, a man with a pistol threatened African American poll watchers and voters at one precinct. The poll manager in another precinct threatened to hit a poll worker who attempted to enter the polling place. Other precincts had instances of poll worker intimidation that had the effect of intimidating African American voters.<sup>76</sup>

In **Alabama**, a number of poll watchers in Dallas County were chased away from polling places, and threatened with a shotgun in one.<sup>77</sup>

In **Louisiana**, three examples of political intimidation were reported. A NAACP secretary in Concordia Parish was shot and wounded in her home a few months after she began coordinating a voter registration drive. In West Feliciana, a carpenter

suffered an economic boycott by former white customers after his successful candidacy for a seat on the school board. In Madison Parish, a white plantation owner “threatened to evict her Negro workers and close a Negro church on the plantation if they supported” an African American candidate for the school board.<sup>78</sup>

In Clay County, **Mississippi**, the manager of a plantation store that was also the location of a polling place reportedly said he would shoot any African American voters who showed up at the store.<sup>79</sup>

In Dallas County, **Alabama**, the arrests and prosecutions of three campaign workers was allegedly designed to intimidate candidates and interfere with their campaigns.<sup>80</sup>

In Americus, **Georgia**, an African American candidate for alderman reported that police officers did not stop harassment of his poll workers by local white teenagers.<sup>81</sup>

## 1967

In **Mississippi**, three precincts in Holmes County reported that white election managers “[a]sked questions calculated to intimidate or embarrass illiterate Negro voters, such as “You can read, now, can’t you?”<sup>82</sup>

In Neshoba County, **Mississippi**, an African American minister faced harassment, fines and arrest after announcing his candidacy for Congress. He was reportedly given tickets for fictitious traffic violations, arrested and jailed, and had his car impounded.<sup>83</sup>

In Bolivar County, **Mississippi**, the day for distributing food stamps was reportedly changed from its usual day to Election Day, making it difficult or impossible in some cases for African American voters to get to the polls.<sup>84</sup>

In Nansemond County, **Virginia**, the Ku Klux Klan burned a cross in front of the home of an African American candidate for the board of supervisors. The candidate said the Klan also sought to confuse African American voters by sending two Klan groups into the community, one with signs supporting candidates supported by the local civil rights political organization and one with signs for the opposing candidates.<sup>85</sup>

## ***“More Subtle and Subterranean Tactics” – 1968-1980***

During the years immediately following the passage of the 1965 Voting Rights Act and subsequent voting rights legislation, new patterns of intimidation against black voters emerged. Academic studies covering the 1970s demonstrate that the success of the civil rights movement created a backlash of political resistance at the polls.

James Loewen published a 1981 study on the continuing obstacles to African-American electoral success in Mississippi, covering much of the 1970s. He described the factors that contributed to the overall atmosphere of voting intimidation, noting that such repression “begins in the community, before would-be voters ever reach the polls.”<sup>86</sup> An interlocking web of economic dependence and segregation etiquette held sway at the voting booth long after the formal vestiges of Jim Crow were disassembled. Further, the operation of the polls remained largely under white control, perpetuating the system on a local level.

Loewen estimated that: “for blacks to have an even chance of winning in rural black-majority counties requires that they must begin with about 70%” of the population.” He concluded by observing: “The federal election presence, never strong, has withered away, which has negative effects on black morale and permits the subtle practices of intimidation and ‘assistance’ to reappear. The obstacles to black electoral effectiveness continue, and the chance for blacks to share power meaningfully and equally seems as remote today as at any time since the passage of the Voting Rights Act.”<sup>87</sup>

A 1981 study of election practices in Georgia also drew useful conclusions about the development of voter intimidation and suppression after the 1965 Voting Rights Act. Researcher Brian Sherman found that: “Because the VRA [Voting Rights Act] has outlawed the most blatant measures, those who have wanted to limit black participation in politics have had to resort to more subtle and subterranean tactics.”<sup>88</sup> Sherman surveyed civic leaders in sixty Georgia counties and his results reveal the specific tactics limiting African American voting at the time.<sup>89</sup> In addition to continuing discrimination in voter registration, Sherman found a myriad of discriminatory practices in the actual voting procedures, including:

- *Inadequate protection and discrimination in poll-watching.* Almost half of the counties reported discrimination against African Americans in selecting poll-watchers or actual intimidation or irregularities by poll-watchers against African American voters.<sup>90</sup>
- *Discrimination in supervising elections.* This included the refusal to appoint African American registrars and poll-watchers, excessive purging of African Americans from voting lists and refusal to open easily accessible registration sites. Also reported were allowing whites-only private clubs to supervise elections, allowing white intimidation of African American voters and deliberately giving confusing information about election information.<sup>91</sup>
- *Miscellaneous intimidation.* This includes accounts of “whites entering voting booths with blacks, whites buying black votes, tampering with voting lists, blacks being removed from voting lists without notification, and blacks living and working on large plantation-like estates being unable to leave and vote.” Over a third of the counties surveyed reported instances of “whites telling blacks how to vote, with five counties reporting that this happens in virtually all elections.”<sup>92</sup>

Resistance to the Voting Rights Act was also felt by Latinos. Rolando Rios examined the VRA's effect on Latinos in Texas and the modes of disfranchisement in that community. As with African Americans, intimidation played a significant role.

- Language was a frequent tool, wielded at the polls by hostile election judges. For example, Rios cited a case where an election judge told a "bilingual clerk who was trying to assist a voter that if Chicanos cannot speak English, they should not be permitted to vote."<sup>93</sup>
- Rios also documented that methods used against Southern African Americans were employed against Latino voters as well. In McAllen, Texas, the incumbent mayor, who was being challenged by a Latino candidate, hired photographers to take pictures of people voting. Rios reported: "Since he is a multimillionaire with a considerable labor force, many potential voters would not go to the polls for fear of losing their jobs."<sup>94</sup>

Brian Sherman, regional analyst at the Southern Regional Council's Voting Rights Project, observed that "the legacy of terror and oppression to which blacks have been subjected is perpetuated by intimidation, threats and other abuses." Furthermore, he wrote, many familiar devices remained: "Inaccessible registration sites and polling places, uncooperative registrars, menacing poll-watchers, discriminatory purges of the voting rolls and absentee ballot abuse are some of the most frequent obstacles faced by blacks."<sup>95</sup>

A number of studies documented how methods of disfranchisement evolved in the years following the 1965 act. Since most available studies focus on Southern states covered by the Voting Rights Act, evidence from other regions is scarce. That does not mean that intimidation was limited to that region. In fact, there is every reason to assume that many of the methods of disfranchisement existed outside the South. While clearly not an exhaustive list, these examples show how subtle forms of intimidation developed even in the face of federal scrutiny.

## 1970

In West Point, **Mississippi**, an African American candidate for mayor placed second in the primary despite receiving numerous threats. During the runoff, a key campaign worker was murdered while sitting in the campaign van. A white man disarmed at the scene was tried and acquitted by an all-white jury. After that, some campaign workers quit and security concerns seriously hampered the campaign. The candidate lost the runoff, but as the U.S. Civil Rights Commission noted, "the long-lasting deterrent effect" against political participation was more important.<sup>96</sup>

## 1971

James Loewen described the widespread economic dependence that intimidated African American voters in **Mississippi** via the example of a white planter reported in 1971. He wrote: "K.C. Peters, who employs twenty black farmhands, told a visitor, 'I feel free to ask the ones working for me to vote for who [sic] I want them to vote for. The older ones do, but you cannot tell about the young ones.'" Fourteen of Peters' employees are registered to vote, and he said 'I can rely on eight votes.' He was asked if he thought voter intimidation existed in Tallahatchie County. "It is just as free as you want to see. I manage the polls for the Northwest precinct. I'm there when they open until they close. I see everything."<sup>97</sup>

Loewen also described how widespread segregation "etiquette" led to disfranchisement with the example of a composite "55 year-old black woman with four years of education forty years ago" who hesitantly lines up to vote. She is assisted by the white poll worker with the curtain lever, who offers assistance with the ballot as well. Loewen writes: "[S]he is 'assisted' to vote white for some local positions, black for others. The next voter will be 'assisted' toward a different mix of white and black selections." He estimated that, over the course of Election Day, "an astute poll worker can shave 5% to 20% off the black vote totals."<sup>98</sup>

Regarding white election control, Loewen writes that almost all local election commissioners were white and they "appoint whites disproportionately to work at the polls." He adds: "Black pollworkers are often assigned to noncritical positions like helping to oversee the check-in book. I once saw one black woman assigned to watch all day the envelope in which the absentee ballots were placed when the polls opened!" He also observed that whites were commonly places to attend the voting machines and the polls were in "white" places, e.g. a white-owned barn, American Legion hall, or county courthouse and jail.<sup>99</sup>

In Humphreys County, **Mississippi**, physical violence against African American voters and poll watchers occurred at a number of precincts. The irregularities led some to file a suit asking that the election be set aside in a federal district court. The court declined to order a new election. One of the plaintiffs, who was a candidate for county supervisor in the contested election, said that the incidents kept many African Americans away from the polls in the 1972 election.<sup>100</sup>

## **1972**

In Monroe County, **Alabama**, the school superintendent reportedly told African American school employees that he would not hire them again for the next school year if they did not vote for him. The Assistant Superintendent reportedly reinforced the message, saying that he had people watching them in case they voted the wrong way.<sup>101</sup>

## **1974**

In Monterey County, **California**, the mayor and police chief of Soledad described the practices on farms that created intimidation for Latino voters. At one farm, workers were reportedly given more work than normal on Election Day. At another, two workers declined to register, saying that their boss would not give them time off to vote anyway. It was also reported that Mexican Americans who worked in voter registration drives sometimes lost their jobs and were blacklisted from alternative employment.<sup>102</sup>

In Tallulah, **Louisiana**, the head of a city department reportedly told all of his African American employees to vote for white candidates in a municipal election or lose their jobs.<sup>103</sup>

In a **South Carolina** state house race, economic intimidation by a white candidate was reported. The candidate, who was running against an African American, provided most people in the district with gas for heating and cooking. Some people were apparently told that if they did not vote for the candidate they would not have gas for the winter. The African American candidate, who lost, charged that her opponent and others “took photographic pictures inside and outside of the Sheldon precinct polling building....of cars, license tags, voters and other persons at the poll in general. This produced an atmosphere of fear, frustration, coercion and tyranny.”<sup>104</sup>

## 1979

A well-known incident in **Alabama** also illustrates the extent to which old political structures continued to suppress African-American political involvement more than a decade after the implementation of the 1965 VRA. In 1979, more than 100 influential white citizens of Sumter County, including both of Alabama’s senators, met to plan an investigation into the voter registration activities of the Federation of Southern Cooperatives (FSC), a group that helped African American farmers. Although an effort to get the U.S. General Accounting Office to investigate went nowhere, the group managed to get the local U.S. Attorney’s office to investigate. In 1981, after examining FSC records for over a year and questioning hundreds, the U.S. Attorney declined to prosecute.<sup>105</sup>

## Conclusion

People For the American Way Foundation, National Association for the Advancement of Colored People (NAACP) and a number of national organizations are combining forces to carry out the Election Protection program across the country in 2004. Election Protection is working now with election officials to identify and resolve potential problems. Closer to Election Day, Election Protection staff and volunteers will distribute state-specific Voters’ Bills of Rights in more than 30 states. On Election Day, thousands of volunteers will monitor polling places and offer assistance to voters who



run into problems. Voters, volunteers, and election officials will have access to a nationwide toll-free number to report problems, including voter intimidation efforts, to a team of specially trained volunteer attorneys and law students.

Robbing voters of their right to vote and to have their vote counted undermines the very foundations of our democratic society. Politicians, political strategists, and party officials who may consider voter intimidation and suppression efforts as part of their tactical arsenal should prepare to be exposed and prosecuted. State and federal officials, including Justice Department and national political party officials, should publicly repudiate such tactics and make clear that those who engage in them will be face severe punishment.

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<sup>3</sup> Rebecca Neal and Joseph Gerth, "GOP to put challengers at polls again this fall," *Louisville Courier-Journal*, 7/30/04.

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<sup>9</sup> Sheldon S. Shafer, "GOP to put challengers in black voting precincts," *Louisville Courier-Journal*, 10/23/03.

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<sup>15</sup> Howard Libit and Tim Craig, "Allegations fly as Election Day nears," *Baltimore Sun*, 11/4/02; Eric Siegel, "Amid stir, voters stream to polls," *Baltimore Sun*, 11/6/02.

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