



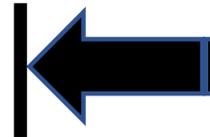
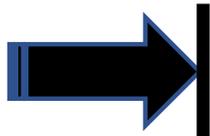
# **Crushing American Democracy: It's *Real* and *Happening Now***

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June 9, 2022, v11



# Will Voting Rights Survive?



State Legislatures can:

- Gerrymander Districts
- Create Obstacles to Voting
- Claim False “voter fraud” to Question Election Results

US Senate Filibusters  
Voting Rights  
Legislation



Electoral College  
can Ignore  
Popular Vote

Dark Money  
funds  
campaigns



Social Media  
Spreads Lies  
and Rumors





# The Original Gerrymander

- In 1812, Massachusetts Governor Elbridge Gerry redrew the state senatorial districts to favor his party.
- The Boston Gazette published the cartoon which merged “Gerry” and “salamander” to describe the result.

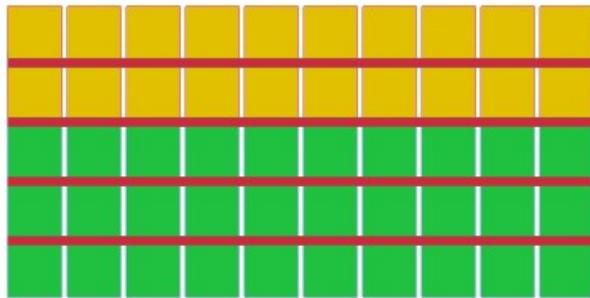


Source: Wikipedia

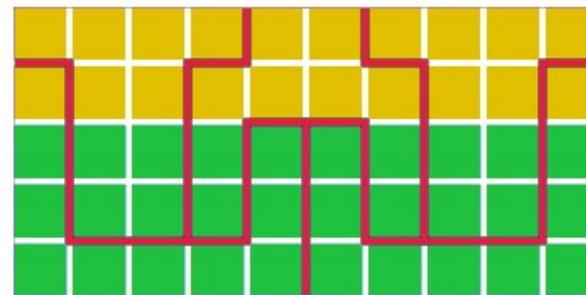


# How to Gerrymander – “Packing” and “Cracking”

- Packing – draw voting district boundaries so as many opposition voters as possible are crammed into the fewest possible districts that they can win
- Cracking – draw district boundaries in the state so that the party in charge has a numerical advantage in the majority of districts



In *Fair* districts, Gold wins 2,  
Green Wins 3 district seats.



In *Gerrymandered* districts,  
Gold wins 3 Cracked, Green  
wins 2 Packed district seats.

# 1 Federal Form to Register, 50 State Rules to Vote



- The **National Voter Registration Act** of 1993 determines how **everyone registers** to vote in **Federal elections**. (Standard registration form.)
- Each **State Legislature** determines voting districts, how hard or easy it is to vote, the equipment and procedures for voting in Federal elections, but...
- **Congress has the right to change how states hold Federal elections:**
  - “The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; **but the Congress may at any time by law make or alter such regulations**, except as to the places of choosing Senators. “(US Constitution, Article 1, Section 4)  
**However....**
- Chief Justice Roberts has said **the Supreme Court will not interfere with the States’ actions when Congress has not spoken...** Therefore, **“a jurisdiction may engage in constitutional political gerrymandering.”** (Rucho vs. Common Cause (6/27/2019))

***Your ZIP code should not determine how you vote for Federal candidates***

# So Many Ways to Discourage Voters



Require a Voter ID – what if you don't drive, don't have a birth certificate?



Forbid giving water & snacks to voters in line – are there any Porta-Potties near here?



Reduce polling locations, hours & voting machines – will you lose wages traveling & waiting in line?



Move voting locations without warning – can you get there on the bus? Is the new location in a safe area?



Require vote-by-mail ballot to have verified signature or prohibit anyone else to return it (“harvesting”) – what if you are homebound?



Purge semi-regular voters from the rolls – did you return the notice that looked like a junk mail postcard to stay registered?



# The Electoral College: Has an Old Compromise Outlived Utility?

- **Why Created?**
  - A 1787 Constitutional Convention compromised between election by Congress vs. popular vote
  - States are allotted electoral votes based on the number of representatives they have in the House plus their two senators
  - “[an indirect voting system](#) originally designed to give southern states more power because of their large enslaved population of Black people.”\*
- **Why Outdated?**
  - **5 Presidents have been Elected despite losing popular vote:\*\***
    - Adams (1824), Hayes (1876), Harrison (1888), Bush (2000), Trump (2016)
- **Abolishment Not A New Idea**
  - 1968 Gallup poll found 80% of Americans supported abolishment
  - 1969 House voted 338 to 70 for constitutional amendment to abolish
  - 1970 Senate killed the bill by filibuster

Sources: \*<https://www.history.com/news/filibuster-bills-senate>

\*\*<https://www.history.com/news/presidents-electoral-college-popular-vote>

# Dark Money in Politics



- *In 2010, the US Supreme Court decided **Citizens United v FEC** by 5 to 4.*
  - Allowed Corporations and Unions to use corporate money in politics.
  - Ended campaign spending limits
  - Justice Kennedy wrote that corporations have the First Amendment right to free speech.
- **Result:**
  - Huge amounts of money used to support candidates
  - who openly vote for Vote Suppression legislation (both State and Federal)
  - which disproportionately impacts minorities.





# Why is Filibuster Reform Urgently Needed?

- Filibuster was – and is – being **used to stop voting rights legislation**
  - Anti-lynching Bills (1922, 1923, 1924)
  - Anti-Poll Tax Bill (1942 and more)
  - Fair Employment Practices Bill (1946 until 1964 Civil Rights Act)
  - Amendment to Abolish Electoral College (1970)
  - ***John Lewis Voting Rights Advancement Act (SB4, 2021)***
  - ***Freedom to Vote Act (SB 2724, 2021)***
- **Senate does not reflect majority American opinion**
  - Rural areas over-represented (2020 Census). Examples:
    - WY (population only 577K) has 2 Senators
    - ND & SD (approximately 1.7M together) have 4 Senators
    - CA (over 39M) has only 2 Senators

Sources: US 2020 Census, <https://www.history.com/news/filibuster-bills-senate>

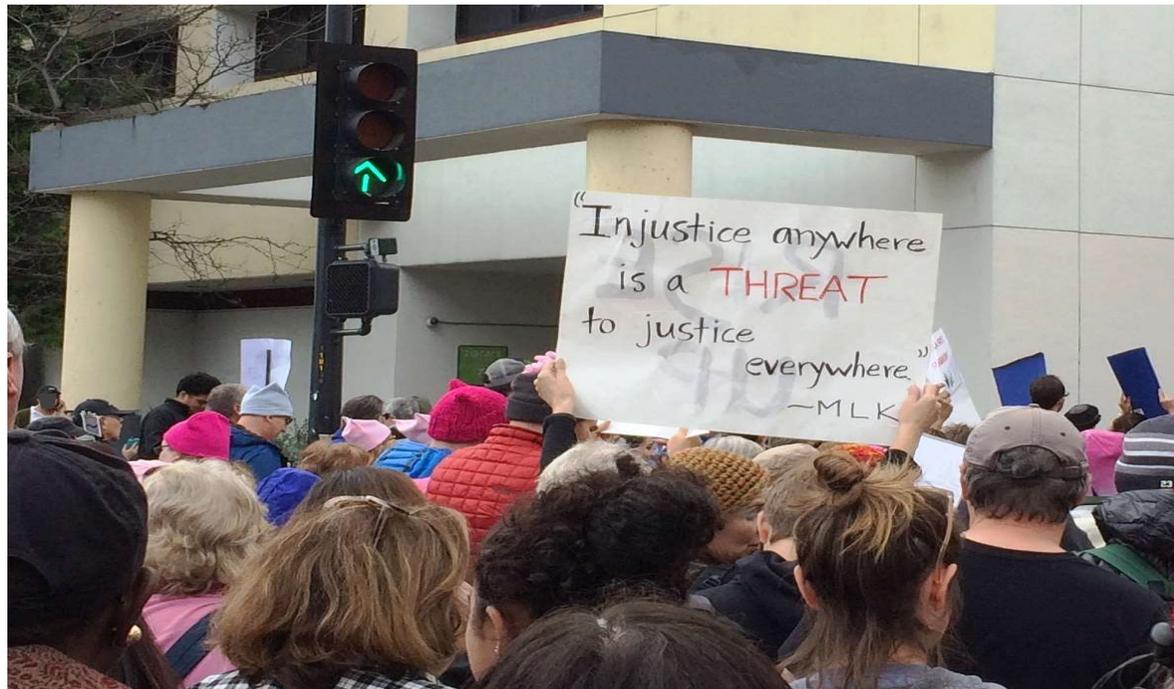


# What is the Filibuster?

- “Filibuster” derived from Dutch word for **looter** or **pirate**
- **Not in US Constitution** – a Senate rule that has changed over time
- Senators could “talk a bill to death” until “**Cloture**” rule of 1917 required **2/3rds of Senators to end debate and vote on all bills**. Therefore “breaking a filibuster” requires 60 votes
- **Exemptions** from filibuster:
  - “Budget Reconciliation” (federal government funding) measures
  - Requirement to speak in person relaxed
  - Federal executive position nominations (2012)
  - Supreme Court nominations (2017)
  - ***Why not Voting Rights, too?***



# Don't Let Democracy Be Crushed!



***"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead***