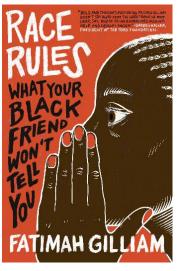
# Race Rules: What Your Black Friend Won't Tell You By Fatimah Gilliam

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This information accompanies the book *Race Rules: What Your Black Friend Won't Tell You*. Inside the book, it redirects readers to the author's <u>website</u> to obtain supplemental information.

Since the 1700s, America's voting history is a story of intentional disenfranchisement and exclusion, not quite a true representational democracy of one person, one vote. It's a journey of institutionalizing and codifying white-centered power and supremacy. This is a historical overview of America's voter suppression timeline from the 1700s up to 2023, covering the main legal and historical milestones that serve as the foundation leading us to contemporary voter suppression. It helps explain today's efforts to block universal voter access – a modern-day voter suppression and Jim Crow 2.0 resurgence timeline. This supplements **Race Rule #8**: Oppose White Supremacy – Voting Restrictions Are Racist.

We hope you find this information helpful. Thank you for reading this book. In addition to yourself, we encourage you to buy *Race Rules* for your friends, family members, colleagues, and neighbors. Please form discussion groups and book clubs to explore this information. Be brave in disrupting racism!

# **About the Author**



Fatimah Gilliam is an author, lawyer, consultant, public speaker, and entrepreneur. Her career combines expertise in the law, diversity, human capital, leadership, stakeholder engagement, and negotiations.

Fatimah is a Black woman whose family has been in the United States for nearly 400 years and fought in every American war, including the American Revolution and Civil War.

She began her career as a corporate attorney on Wall Street at Cleary Gottlieb, worked for Citigroup overseeing campus diversity recruiting for all its U.S. businesses, and oversaw corporate partnerships as the Head of Finance and Fundraising for North America for the Nobel Peace Prize-winning United Nations World Food Programme. Since founding The Azara Group, which provides diversity and inclusion, leadership development, negotiation, and strategy consulting services, she has advised Fortune 500 corporations, senior executives leading billion-dollar businesses, and industry thought leaders.

Fatimah holds a law degree from Columbia Law School, a Master in Public Policy from Harvard University's John F. Kennedy School of Government, and an undergraduate degree from Wellesley College. As a thought leader, she has been interviewed on television (e.g., CNN; CNBC), by news outlets (e.g., Forbes; CNN.com; Toronto Star; Insider; Yahoo! Finance), and by industry publications (e.g., Society for Human Resource Management or SHRM).

Her groundbreaking book *Race Rules: What Your Black Friend Won't Tell You* is her patriotic contribution to America's ongoing dialogue on race.

#### Additional Resources in Race Rules

For a chart showing a side-by-side comparison of Jim Crow era voter suppression tactics compared to modern-day Jim Crow 2.0 tactics, see the "Discriminatory Voter Suppression Tactics" table in the "Jim Crow in New Clothes" section in Race Rule #8: Oppose White Supremacy – Voting Restrictions Are Racist.

For an explanation with statistical data detailing why voter fraud doesn't exist and reflective questions that can help you transition away from supporting discriminatory voting regulations, see the questions throughout **Race Rule #8**: Oppose White Supremacy – Voting Restrictions Are Racist.

This guidance is available inside the book Race Rules: What Your Black Friend Won't Tell You.

To review the sources informing the timeline below, see the Bibliography associated with *Race Rules* that's available on the author's <u>website</u> to obtain this supplemental information.

\* See *Race Rules* for a definition of the term White Welfare.

# Historical Highlights - Voting Rights and Voter Suppression Timeline

Our democracy is branded with smoke-and-mirrors, packaged with "freedom" and "equality" taglines. America's historical journey is a consistent pattern of institutionalizing and codifying systemic white-centered power and supremacy from the beginning — with new 21st century legal efforts to suppress voters of color to maintain white-centered political domination.

America's voting rights legal framework is an example of White Welfare\* and how its related opportunity hoarding is maintained. It's a foundational pillar for institutionalizing White Welfare.

Efforts to disenfranchise voters are exploding, not slowing. Without federal intervention and an updated Voting Rights Act to supersede the impact of 21<sup>st</sup> century U.S. Supreme Court cases *Shelby* and *Brnovich* (discussed below), America's Jim Crow 2.0 will suppress votes of people of color and younger, urban, elderly, and disabled Americans. Citizens are being stripped of their freedoms.

When you can't win on the issues and your policy platform isn't compelling to a multiracial society, you change the rules to cheat at the ballot box.

As Kimberlé Crenshaw, legal scholar and creator of the term *intersectionality* said, "Some of the worst racist tragedies in history have been perfectly legal."

# 1700s - Wealthy White Man's World & Legalizing Racism

- 1776 Declaration of Independence signed. Voting controlled by individual states and predominantly limited to white male landowners at least age 21, fueling "states' rights" doctrine.
- 1789 U.S. Constitution becomes law of the land. George Washington elected president. Only 6% of the population can vote. Slaves legally aren't whole people pursuant to 1787's Three-Fifths Compromise (with slaves representing roughly 18% and free Blacks representing roughly 1.5% of the U.S. population), enabling Southern states greater political power in Congress.

#### 1800s - Reconstruction Amendments & Birth of Jim Crow

- **1848** Treaty of Guadalupe Hidalgo ends Mexican-American War making Mexicans in U.S. territory American citizens, but violent intimidation and English-language requirements limit voting rights.
- **1848** Seneca Falls Convention calling for women's suffrage held. Organizers like Susan B. Anthony focused on *white* female voting rights. Black women's civil rights advocates like Sojourner Truth excluded
- **1856** Voting expands to all white men. North Carolina is the last state to abolish landowner voting requirement.
- **1868** 14<sup>th</sup> Amendment adopted, making former slaves citizens, with voters defined as male. Law excludes Native Americans.
- **1870** 15<sup>th</sup> Amendment adopted, making it illegal to deny citizens voting rights based on race.
- **1870s** First Jim Crow laws enacted (with first Black Code passed in 1865) to mandate state-sanctioned segregation and discrimination, and disenfranchise Black voters through poll taxes, literacy tests, grandfather clauses, and other racist restrictions. Voting rights denied through violence and intimidation (e.g., lynching; sexual violence; torture; vandalizing property; etc.). Jim Crow officially in effect until 1965.
- **1876** U.S. Supreme Court rules Native Americans are not citizens and ineligible to vote (*United States v. Joseph*).
- **1882** Chinese Exclusion Act passed to disenfranchise Chinese-Americans and declares them non-citizens.
- **1887** Dawes Act passed, granting citizenship and voting rights to Native Americans <u>only if</u> willing to disassociate from their tribe and assimilate.
- **1899** Hawaiian voting rights restricted to English-speaking and Hawaiian-speaking men, and territory precluded from making own voting laws.

# 1900s - Explosion of Jim Crow & Civil Rights Voting Enforcement

- 1913 17<sup>th</sup> Amendment adopted, granting voters (not state legislators) right to elect U.S. Senators.
- **1920** 19<sup>th</sup> Amendment adopted, granting women the right to vote. Jim Crow voting restrictions now applied to women of color.
- **1923** Supreme Court rules Americans of South Asian descent not citizens and thus cannot vote (*United States v. Bhagat Singh Thind*).
- **1924** Indian Citizenship Act passed, granting Native Americans citizenship, followed by various states passing laws prohibiting voting.
- 1925 Alaska passes literacy test legislation targeting Alaska Native voter disenfranchisement.
- **1943** Magnuson Act passed, repealing Chinese Exclusion Act of 1882 and creating pathway to Chinese-American citizenship and voting.
- **1948** Arizona and New Mexico last states to legally bar Native American voting, although barriers remain in parts of the country through literacy tests.
- **1952** McCarran-Walter Act passed, granting all people of Asian ancestry citizenship rights, and thus suffrage rights.
- **1961** 23<sup>rd</sup> Amendment adopted, granting citizens in significantly-Black Washington, D.C. right to vote for U.S. President.
  - Still today, D.C. is not a state. With a population larger than two U.S. states (i.e., Wyoming and Vermont), this region and the Americans living there lack any voting members of Congress and has no U.S. Senators. D.C. is allowed one non-voting Congressperson. Just under half of D.C.'s population is Black, who are Americans experiencing taxation without representation.

- 1964 24<sup>th</sup> Amendment adopted, banning poll taxes as barrier to voting.
- 1964 Civil Rights Act passed, landmark law banning racial and gender discrimination and segregation. Guarantees right to voter registration and ensures citizens at least age 21 suffrage regardless of race, religion, or education.
- 1965 Voting Rights Act passed (VRA), landmark civil rights legislation guaranteeing 14<sup>th</sup> and 15<sup>th</sup>
   Amendment rights. Suspends literacy tests and grants federal powers to enforce voting and
   registration rights. Results in significant increase in voter turnout and voting access. Brings "end"
   to Jim Crow. Racists shift to "race neutral" strategies and other tactics to suppress Black and brown
   votes.
- **1971** 26<sup>th</sup> Amendment adopted, lowering voting age from 21 to 18 years.
  - As of today, this is the second-to-last amendment to the U.S. Constitution. The Constitution has 27 amendments. The 27<sup>th</sup> Amendment (related to compensation for U.S. Senators and Members of Congress) was ratified in 1992 but was part of legislation introduced in Congress in 1789 along with the Bill of Rights. This indicates how difficult it is to enact changes to the Constitution, especially considering more than half of the amendments were passed and enacted before 1900.
- 1975 Voting Rights Act modified to mandate voter information in Native American and non-English languages and reinforces literacy test ban.
- **1984** Voting Accessibility for the Elderly and Handicapped Act passed requiring disabled polling accessibility.
- **1986** Uniformed and Overseas Citizens Absentee Voting Act passed, expanding voting rights to Americans abroad.
- **1993** National Voter Registration Act passed, mandating voter registration availability through state Department of Motor Vehicles and other agencies.

### 2000s - Modern-Day Voter Suppression & Jim Crow 2.0 Resurgence

- **2000s** There is a significant resurgence in voter suppression. States implement ballot-box barriers with strict voter identification laws, cut voting times, restrict registration, and purge voter rolls.
- **2000** Federal court rules (*Igartua de la Rosa v. United States*) residents of U.S. colonies are citizens but ineligible to vote in presidential elections (i.e., Puerto Rico, Guam, American Samoa, U.S. Virgin Islands, and Northern Mariana Islands).
  - As of today, U.S. citizens in American territories are not allowed to vote in presidential elections but are allowed to vote in primaries and send delegates to the national conventions held by political parties. Like Washington, D.C., the Americans living in these regions lack *any* voting members of Congress and has no U.S. Senators. Like D.C., each of these colonies is allowed one non-voting Congressperson.
- **2002** Help America Vote Act passed to replace antiquated punch-card and lever-based voting systems, modernize voting, and mandate provisional ballot option.
- **2006** President George W. Bush signs a 25-year extension and reauthorization of the Voting Rights Act, strategically overcoming strong opposition through extensive public support from major corporations and business groups expressing a need for the law's extension.
- 2011 Texas passes one of country's most strict voter ID laws, later blocked by courts.
- **2013** A U.S. Supreme Court landmark case weakens voting rights. *Shelby County v. Holder* declares a clause in the VRA unconstitutional, enabling states and local governments to change voting laws and practices without federal preclearance approval enacted to limit racist voter suppression. This immediately sparks widespread voter suppression to lower turnout for voters of color (e.g., closing polling places, making cuts to early voting, purging voter rolls, and imposing strict voter ID laws)

- A 2020 Brennan Center study found places previously covered by preclearance had substantially increased voter registration purges after *Shelby* decision.
- 2018 North Dakota law prevents those without residential addresses from voting, targeting Native Americans on reservations lacking street addresses who rely on post office boxes.
- **2018** Florida voters pass constitutional amendment restoring felon voting rights, prompting legislature to impose fees and fines disqualifying roughly 800,000 felons from voting.
- 2021 The U.S. Supreme Court further weakens the VRA by making it more difficult to challenge
  discriminatory voting laws, which effectively cripples legal challenges to laws with disparate impact
  on voters of color and renders the law on life support (*Brnovich v. Democratic National Committee*).
  This decision makes congressional action through new legislation one of the sole remaining
  pathways to counter aggressive tactics to suppress votes and protect universal suffrage rights.
- 2021 Georgia passes a throwback Jim Crow voter suppression law, prompting nationwide backlash. An assault on democracy, the law limits absentee voting, imposes strict voter ID requirements, scales back ballot drop boxes, bans mobile voting centers, makes extending voting hours burdensome, empowers the legislature to suspend local election officials (facilitating manipulation of election results), and criminalizes giving food or water to voters in strategically created long lines.
- **2021** Legislatures in 48 states introduce 389 bills with restrictive provisions to limit voting rights, and 28 are signed into law by mid-June.
- 2023 In January, state legislators in 32 states introduce or pre-file 150 restrictive voting bills and
  27 election interference bills, which is an increase in the number of restrictive bills introduced in the
  same timeframe in 2021 and 2022. On top of typical efforts to require voter IDs and restrict
  absentee ballots, bills include proposed laws to allow partisan actors to overturn election results,
  criminalization for routine election activities and human error, and mandated, less accurate hand
  counts.

Without federal intervention and updated Voting Rights Act to supersede impact of *Shelby*, America's Jim Crow 2.0 will disenfranchise the votes of people of color, and younger, urban, elderly, and disabled Americans. Citizens are being stripped of their fundamental freedom – the right to vote.

Protecting American democracy and its citizenry's most basic right to vote will only happen through action from the American people to pressure politicians to ensure fundamental suffrage rights.

# **Bonus Voting Rights Factoid**

# Impact of the U.S. Constitution's Three-Fifths Compromise of 1787

The Three-Fifths Compromise was reached among state delegates during the 1787 Constitutional Convention, where every five slaves counted as three people for taxation and congressional representation purposes. This negotiation facilitated establishing two senators per state regardless of population. This compromise and these negotiations were part of increasing the power of Southern slave-holding states. The impact of allowing every state two senators has significant present-day consequences.

Today – Roughly **one-quarter** of the U.S. Senate represents **60%** of the population. White voters in low-population states have power over the country's majority in more populous states, which is increasingly Black and brown.

This structure maintains white-centered political power.