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# Opinion The election really was rigged

[Dana Milbank](#)



Voters in Exeter, N.H. (Elise Amendola/Associated Press)

Voters in Exeter, N.H. (Elise Amendola/Associated Press)

A voting scandal of epic proportion tilted this election. The scam involved millions of people.

No, I'm not talking about the recount the Clinton campaign joined in Wisconsin and may seek in Michigan and Pennsylvania. Hillary Clinton and

her aides were correct before, when they said voting fraud is rare. The recounts won't change the election's outcome. And after rightly criticizing Donald Trump for saying he might not honor the election results, Clinton and her aides, who admit they have no evidence of skullduggery, risk looking hypocritical.

Neither am I talking about Trump's outlandish and baseless claim that millions of non-citizens and dead people voted illegally. That's as absurd as his preelection claims that the voting system was "rigged."

Both distract from the real scandal, which is happening in plain sight. Millions of would-be voters didn't participate because of obstacles designed to discourage them. The hurdles were, thanks to [a 2013 Supreme Court ruling invalidating key parts of the Voting Rights Act](#), largely legal. And they arguably suppressed enough minority voters to cost Clinton the election.

### [In today's world, the truth is losing](#)

There's a group of people in the United States and its territories who have historically faced disenfranchisement, including felons and certain U.S. nationals. (Video: Jenny Starrs/The Washington Post)

[Fourteen states had new voting restrictions](#) in place for the first time in a presidential election, and 20 have had such restrictions put in place since 2010, according to the Brennan Center for Justice, a group that opposes such laws. These include strict photo-ID requirements, cutbacks in early voting and new restrictions on registration. Other states are resisting efforts that would make voting easier with same-day, online and motor-voter registration.

At the same time, the Leadership Conference Education Fund, a civil rights group, found that counties previously covered by the Voting Rights Act [have closed down at least 868 polling places](#). The closures ([often without adequate notice](#)) disproportionately affect minority voters.

"We have across most states some significant element of voter suppression," says Zoltan Hajnal, a University of California at San Diego political scientist

specializing in voting rights. "Over time these have shrunk the electorate in significant ways and tilted the electorate toward the Republican Party."

The total number of would-be voters deterred is in the "millions," he said. "If you were to superimpose the most liberal voting laws on all the states, it's quite likely we would have had a different winner" on Nov. 8.

Though it's difficult to quantify the effect of voter suppression in 50 states, Hajnal reports in a new study that after Texas implemented a strict voter-ID law, Latino turnout dropped sharply between 2010 and 2014, and the gap between white and Latino turnout increased by 9.2 percentage points. In the rest of the country, the gap between white and Latino turnout decreased over the same period.

Wisconsin adopted a tough photo-ID law, and in Milwaukee, where a large number of African Americans don't drive or have licenses, [turnout declined in 2016 by 41,000 compared with 2012](#), a 15 percent drop. Turnout was significantly lower than in 2004 and 2008 as well. The dropoff was steepest in the poorest precincts.

"No matter how hard one tries to attribute this to lower voter interest in this election, the stark drop must be attributable to impact of the photo-ID rule," argues Kristen Clarke, head of the Lawyers' Committee for Civil Rights Under Law.

Elsewhere, suppression efforts have grown more brazen. After a federal appellate court knocked down North Carolina's voting restrictions because they targeted black voters with "[almost surgical precision](#)," dozens of counties still cut hours for early voting, which minority voters use disproportionately.

[\*Putin didn't undermine the election. We did.\*](#)

In Texas, similarly, officials disregarded parts of a federal appellate court decision limiting that state's voter-ID law. And in Pennsylvania, there were [widespread reports](#) of elections officials demanding voters show IDs even though that state doesn't have such a law.

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In the short run, this makes tactical sense for Republicans. Democratic-leaning minority voters — African Americans, Asian Americans and particularly Latinos — are forecast to grow to a majority of the voting-eligible population at mid-century, [from 31 percent today](#). By suppressing this vote, the effect of the demographic change can be delayed.

The Trump administration seems to be fine with holding back the tide. The man picked to be attorney general, Jeff Sessions, has opposed even legal immigration. And, according to a report this week by Scott Shane of the New York Times, Stephen K. Bannon, Trump's pick to be the top White House strategist, once mused to a co-worker that restricting voting rights of African Americans might not be "[such a bad thing](#)."

So let's not get distracted by Trump's fantastic claims of millions of illegal votes, nor by Clinton's search for a voting-system cyberattack that even the computer scientist urging the recount says has "[probably not](#)" occurred. Focus instead on the scandal that really is rigging American democracy.

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