POLITICAL DISABLEMENT

The Modernization of Exclusion in American Democracy

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DEMOCRACY WAS NEVER NEUTRAL

The latest attack on voting rights is often described as a fight over redistricting, election integrity, or federalism. But that framing overlooks a deeper process that has been underway. We are witnessing the modernization of political disablement: the use of law, maps, paperwork, databases, access barriers, and constitutional doctrine to portray some communities as less capable of exercising collective political power, and then to treat that diminished power as natural, neutral, or somehow deserved.

This is not a departure from American democracy so much as a return to one of its oldest habits. Political freedom for some is defined by constructing Others as property, dependents, outsiders, risks, or administrative problems. Political disablement is how a constitutional order built around exclusion preserves itself after formal exclusion becomes harder to defend.

It is not a metaphor for voter suppression. Rather, political disablement names a process that produces political incapacity through law, policy, and infrastructure. Just as people are disabled by environments built around able-bodied norms, communities can be politically disabled by democratic systems built around racialized and ableist assumptions about who is capable of self-government, who is administratively legible, who is trustworthy, and whose collective power counts as legitimate.

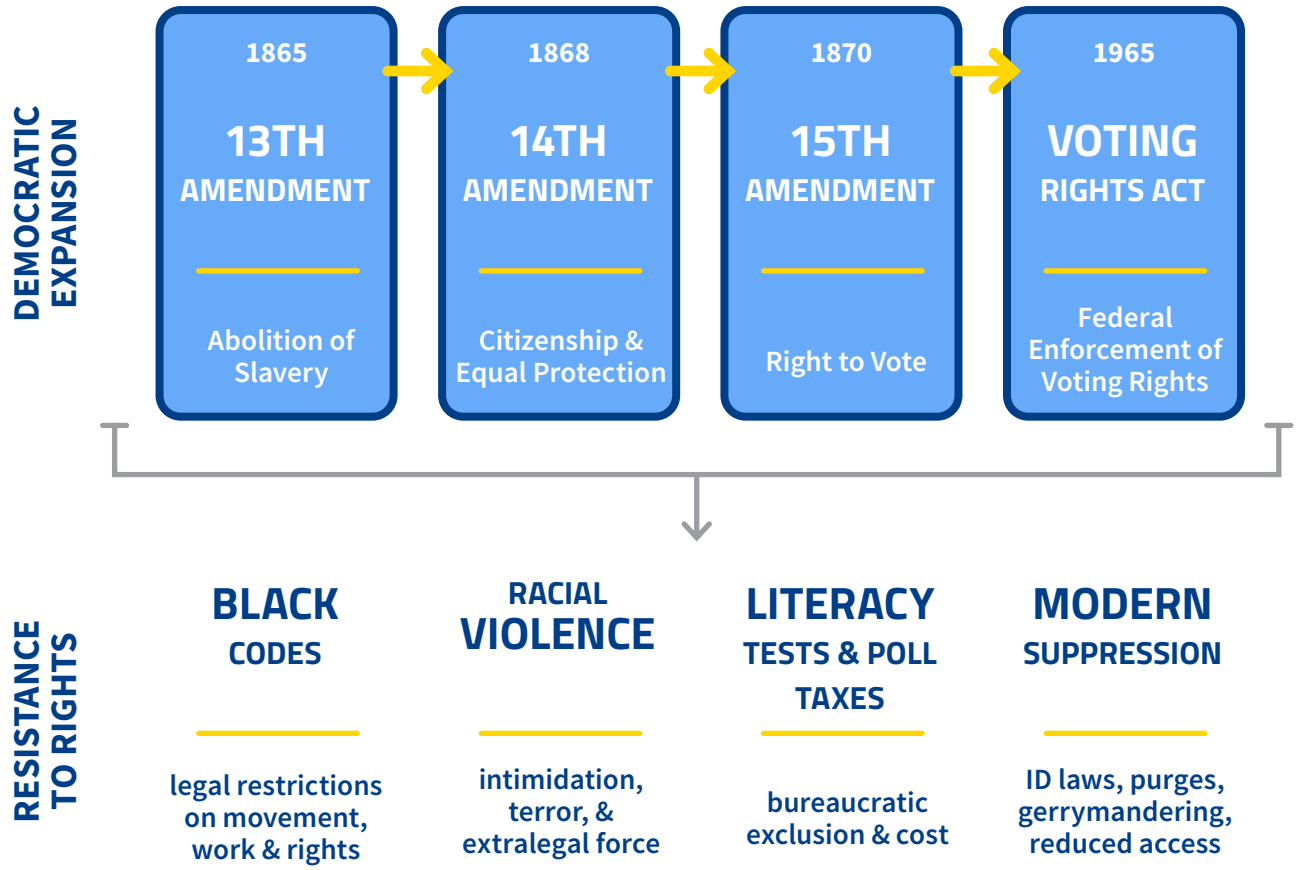
This process has always been central to American democracy. Enslaved people were not merely denied the vote, they were constructed as property rather than political actors. Native nations were not merely excluded from citizenship, their sovereignty and systems of governance were targeted by settler colonial law. Women were not merely barred from the franchise, they were cast as dependent and reliant upon political representation via their fathers and husbands. Disabled people were not merely left out of voting systems, they were institutionalized, placed under guardianship, denied legal capacity, and treated as objects of care rather than subjects of political power. Black voters under Jim Crow were not merely asked to pass literacy tests, they were forced to prove political capacity to the very officials invested in denying it.

The question has never been who may cast a ballot. It has always been who is recognized as capable of political judgment, collective self-determination, and public power.

RECONSTRUCTION REVEALED A THREAT

Reconstruction briefly exposed the possibility of a different democracy. But it was not the inevitable fulfillment of the Founders' vision. Indeed, it was a rupture with much of that vision. The Thirteenth, Fourteenth, and Fifteenth Amendments attempted to install a new constitutional order onto a republic originally built to protect property, hierarchy, racial domination, and to restrict political belonging. The Reconstruction Acts and the Fifteenth Amendment helped create a transformative period in which Black men in the former Confederacy voted, organized, held office, helped rewrite state constitutions, and entered Congress in unprecedented numbers. Reconstruction was not merely symbolic. It was a confrontation over who could govern, whose labor would be controlled, whose communities would receive public investment, and whether formerly enslaved people could become political actors rather than objects of law.

The backlash was swift and brutal. White supremacist violence, intimidation, fraud, and eventually state constitutional conventions and voting restrictions dismantled much of that democratic advancement. *This was a restoration project.* Poll taxes, literacy tests, grandfather clauses, white primaries, and other devices did not simply stop individuals from voting. They destroyed the collective political power Reconstruction had begun to build.



Whenever political power grows, so do the systems designed to deny it.
Politial disablement is a system that adapts.

BACKLASH BECAME LAW

We saw the same pattern repeated across the twentieth century. When the civil-rights movement forced the nation to confront Jim Crow, defenders of segregation were not opponents of democracy. They grounded their rhetoric in the language of local control, constitutional order, and "states' rights." The Dixiecrats, the States' Rights Democratic Party formed in 1948, made this explicit. They broke from the national Democratic Party over civil rights and defended segregation through opposition to federal intervention.

Again and again, state authority has been used to insulate racialized exclusion from federal civil-rights enforcement. The Voting Rights Act of 1965 was designed to interrupt that pattern. It recognized that constitutional promises were not enough when states and localities could redesign election systems to suppress racialized political power. The Voting Rights Act was part of a long struggle to make constitutional democracy answer to those the constitutional order had repeatedly excluded. It was an interruption in a much older system and a recognition that formal rights mean little when states can change the rules, redraw the lines, or bury political participation under procedure.

The invocation of state's rights must not be removed from its history. The rollback of voting-rights we are seeing today is being defended through claims of state control, election integrity, neutral rules, and ordinary administration. While the language may have changed, the pattern remains the same. As explicit exclusion becomes harder to defend, exclusion adapts. It learns procedure. It moves through rules that appear neutral but predictably determine who must work harder to be recognized as a voter, whose community can be divided without consequence, and whose political power can be dismissed as merely partisan, accidental, or administratively inconvenient.

The point is not that today's restrictions are identical to Jim Crow. They are not. The point is that exclusion repeatedly adapts to the legal constraints of its time. When open racial exclusion becomes indefensible, exclusion moves into doctrine, administration, district lines, proof requirements, and procedural burdens. When poll taxes and literacy tests became legally vulnerable, new tests emerged such as documentation, database matching, proof of citizenship, inaccessible systems, mail-ballot rules, and administrative procedures that are formally "neutral" but predictably unequal.

RIGHTS ON PAPER

It is for this reason that the Supreme Court's recent decision in *Louisiana v. Callais* is so consequential. In *Callais*, the Court struck down Louisiana's 2024 congressional map, which had created a second majority-Black district after earlier litigation under Section 2 of the Voting Rights Act. The Court held that Section 2 did not require Louisiana to create that additional majority-minority district and therefore could not justify the state's use of race in drawing the map. The decision did not formally overrule Section 2. But it sharply narrowed one of the Voting Rights Act's most important remaining tools for challenging racial vote dilution.

In doing so, the Court narrowed the conditions under which racialized communities can use federal law to contest the dilution of their political power. It treated the remedy for racial exclusion as constitutionally suspect while allowing the underlying mechanism of exclusion to appear neutral, ordinary, or merely political.

This is how political disablement can hide in law. The structure that diminishes a community's power becomes the baseline, while the repair itself becomes suspect. So-called "colorblindness" does not actually eliminate racial hierarchy. In fact, it tends to make hierarchy harder to challenge by declaring the remedy more dangerous than the harm.

This isn't the first time we have seen this maneuver. In *Shelby County v. Holder*, the Court did not formally strike down Section 5 of the Voting Rights Act, which required certain jurisdictions with histories of voting discrimination to obtain federal approval before changing voting rules. Instead, it struck down the coverage formula that made preclearance work. After *Shelby*, many states no longer had to seek advance approval before implementing voting changes. Now, after *Callais*, communities will likely find it far harder to challenge discriminatory maps after the damage has been done.

Put Simply: *Shelby* weakened the Voting Rights Act's front-end protection. *Callais* weakened the back-end remedy. Together, they politically disable communities by stripping away both prevention and repair.

> ***[The Court] treated the remedy for racial exclusion as constitutionally suspect while allowing the underlying mechanism of exclusion to appear neutral, ordinary, or merely political.***

EXCLUSION LEARNS NEW TOOLS

Within days of *Callais*, states began moving. Tennessee Republicans approved a new congressional map that dismantles the state's only majority-Black U.S. House district, centered in Memphis, and splits Shelby County into three Republican-leaning districts. Tennessee's NAACP filed an emergency challenge arguing that the map unlawfully dilutes Black voting power.

That redistricting did more than redraw lines. It altered the conditions under which Black voters in Memphis could combine their votes into political power. Rep. Steve Cohen, who had represented the majority-Black Memphis district, later announced he would not seek reelection after the redrawing of the district, a sign of how quickly a map can transform representation before a single ballot is cast.

The fight has continued to move quickly. On May 26, a federal court blocked Alabama from using a map that would have eliminated one of the state's two majority- or near-majority-Black districts, finding that the map intentionally discriminated against Black voters and ordering Alabama to continue using the prior court-approved map for the 2026 elections. Alabama immediately asked the Supreme Court to intervene. On June 2, the Court allowed Alabama to use the challenged map anyway while the dispute continues. Communities must now fight urgently, map by map and court by court, to preserve political power that should not be so fragile.

What happened in South Carolina illustrates both the danger and the possibility of this moment. On May 26, the South Carolina Senate rejected a late push to redraw the state's congressional map before the midterms. The proposal, backed by Trump and several Republicans, could have reshaped Rep. Jim Clyburn's district and helped move South Carolina toward a congressional delegation with no Democratic seats. This rejection signifies how the post-*Callais* push can still be resisted. That said, the fact that the proposal was seriously considered at all is alarming. *Callais* has already become a political invitation to test how quickly Black political representation can be weakened under the cover of redistricting.

> ***The danger is not only that old injustices are being repeated, but that old objectives are being pursued with new legal, administrative, and technological tools.***

The danger is not only that old injustices are being repeated, but that old objectives are being pursued with new legal, administrative, and technological tools. Reconstruction showed what could happen when Black communities gained political power. Redemption and Jim Crow showed how violently that power could be dismantled. The Dixiecrats showed how states' rights could be mobilized to resist federal civil-rights enforcement while preserving racial hierarchy. The Voting Rights Act was built to interrupt that cycle. *Shelby* and *Callais* weaken the interruption.

At the same time that states are testing how far they can go in redrawing political power, the Trump administration has advanced a broad voting agenda built around documentary proof of citizenship, mail-voting restrictions, voter-roll scrutiny, federal voter-data collection, and expanded use of federal databases to check voter eligibility. The Justice Department has sought sensitive voter-registration data from states, including driver's license and Social Security information. The Brennan Center has tracked federal efforts to obtain private voter information and related litigation. Voting-rights groups have also sued DOJ to block what they describe as a national voter surveillance-and-purge database. Additionally, USPS is reportedly advancing a proposed rule tied to Trump's mail-voting order that would require states to provide lists of voters who requested mail or absentee ballots, with voters left off those lists at risk of not receiving ballots at all.

On May 21st, federal judges in Maine and Wisconsin dismissed Justice Department lawsuits seeking detailed voter-registration data, part of a broader federal effort involving more than 30 states and Washington, D.C. The lawsuits sought sensitive information including birth dates, addresses, driver's license numbers, and partial Social Security numbers. These rulings show that courts are resisting some of the administration's voter-data demands, but they also reveal how central voter-roll surveillance has become to the current voting-rights fight.

The tools look different from those of the Jim Crow south. The poll tax becomes a paperwork burden. The literacy test becomes bureaucratic fluency. The white primary becomes a racially manipulated district map. The courthouse registrar becomes the database. The mail-voting rule becomes a filter for whose ballot may travel through the postal system at all. The demand to "prove" eligibility becomes a system that privileges those with stable housing, matching documents and the finances to procure them, transportation, digital access, and the ability to navigate government institutions.

Taken together, these tools do not simply make voting harder. They reorganize the conditions under which political participation is recognized at all. A map can weaken a community before any voter reaches the polls. A database can mark a voter as questionable before they receive a ballot. A mail-voting restriction can convert disability, distance, caregiving, institutionalization, military service, illness, or lack of transportation into barriers to participation. A proof requirement can turn poverty, disability, name changes, institutionalization, housing instability, immigration bureaucracy, or state record errors into evidence of doubt. A court can make the remedy for racial exclusion appear more constitutionally troubling than the exclusion itself. That is the test. Not a formal exam or a literacy test by another name, but a set of conditions people must satisfy before the state treats them as legitimate political participants. Those who fit the test are treated as ordinary voters. Those who do not are treated as deficiencies—problems to be verified.

The constitutional promise remains on paper, but political capacity is made conditional in practice. Political disablement names this process: legal and administrative systems make some communities harder to recognize, count, represent, and protect, then treat the resulting loss of power as neutral rather than produced.

THE BALLOT WAS NEVER ENOUGH

Racial justice organizations have called these efforts voter suppression dressed up as election integrity. Disability rights advocates have warned that proof-of-citizenship, photo ID, mail-ballot documentation, and assistance restrictions would add barriers at every stage of voting for disabled people. These are not minor inconveniences. They are barriers layered onto a voting system that is already inaccessible.

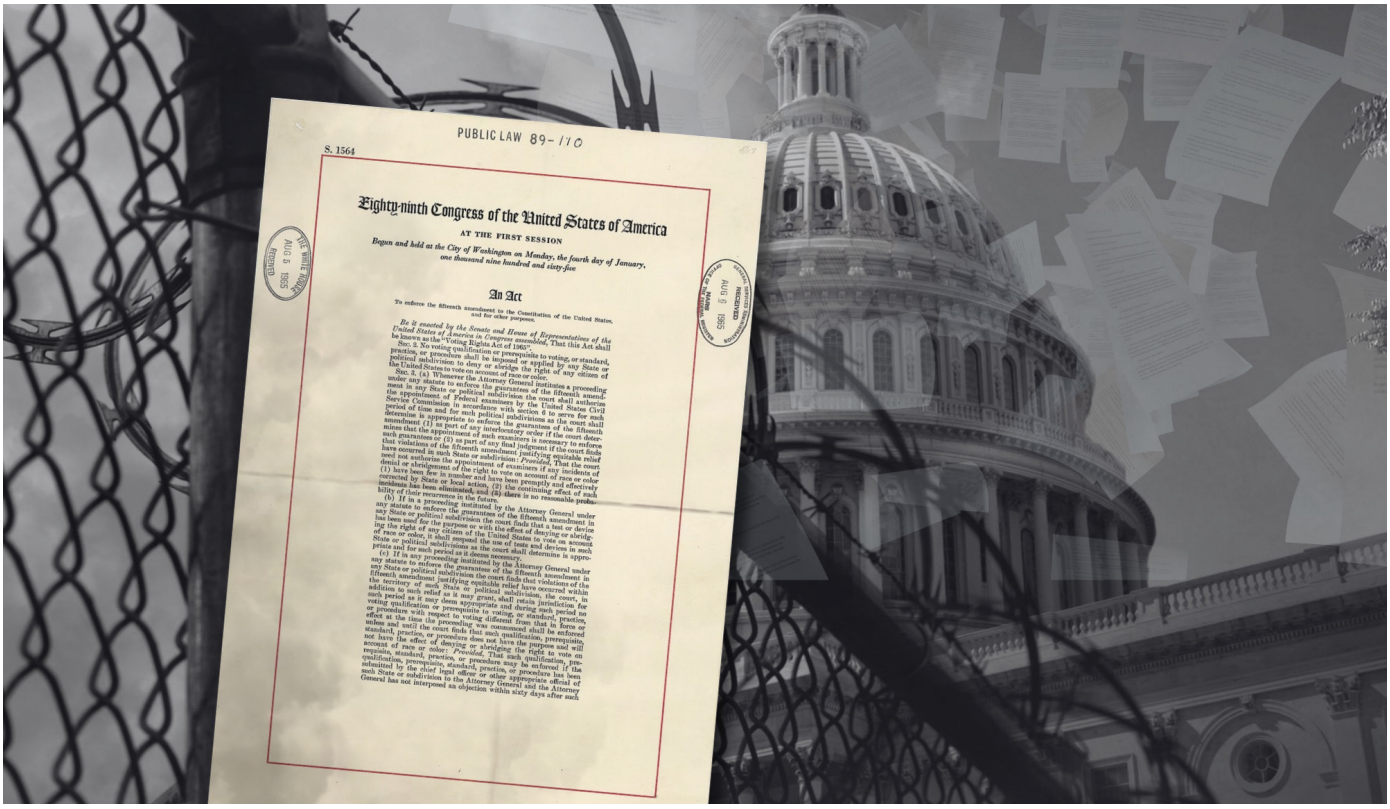
But even that framing can understate the problem. These policies do not simply create “barriers”, they preserve the formal right to vote while stripping away the conditions that make the right meaningful. They produce certain voters and communities as administratively doubtful, politically suspect, and less capable of participation. They turn structural inequality into an individualized failure to comply.

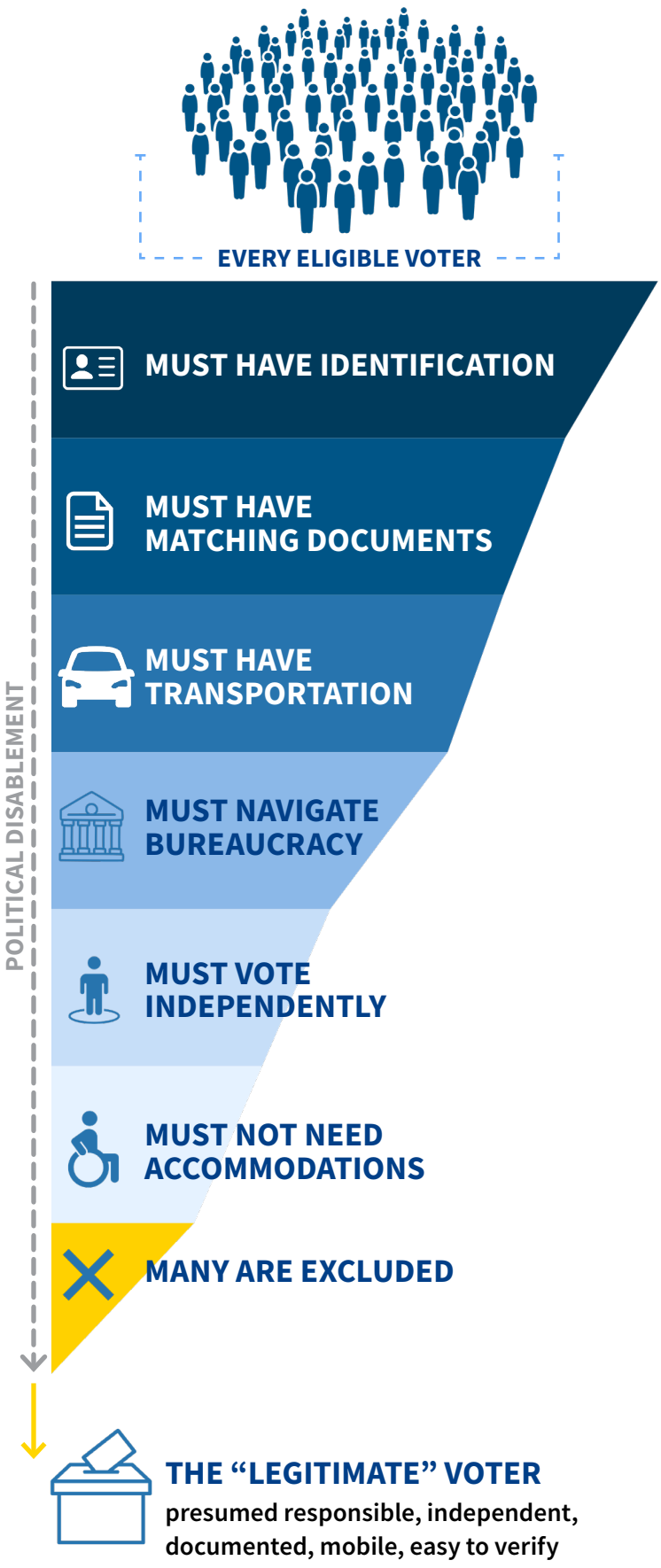
The ballot was never enough because voting is not an individual act. It depends on the surrounding infrastructure that makes participation possible and politically meaningful: access, assistance, privacy, transportation, language access, enforceable remedies, fair maps, and election systems that do not treat marginalized voters as problems.

There have been points of resistance. In Connecticut, the Center for Public Representation announced an agreement clarifying voting rights for disabled voters in institutions, including equal access, reasonable accommodations, assistance, privacy, and accessible technology. This example shows why the ballot itself is not enough. A right to vote means little if the systems around voting do not provide the means to exercise that right. The result is not an open declaration that disabled people should not vote, but rather a system in which the formal right remains while the practical conditions of voting are treated as exceptions to be scrutinized.

Political disablement operates at both levels: it obstructs individual access to the ballot and collective access to governing power.

Our country is not merely debating election rules. It is deciding whether civil-rights law will protect the conditions of political participation, or whether marginalized communities must fight, state by state and lawsuit by lawsuit, against maps, databases, paperwork, access barriers, and suspicion. Moreover, it begs the question who the system imagines as capable of navigating all of those conditions in the first place.





MAKING THE "UNFIT" VOTER

Political disablement does not only change rules. It changes the story the system tells about those who struggle to navigate them. When voting restrictions are defended as neutral safeguards, they create a moral and political distinction between the voter who is presumed legitimate and the voter who must prove they belong. The first is imagined as responsible, independent, documented, mobile, stable, and easy to verify. The second is treated as a problem: deviant, dependent, risky, confused, fraudulent, or administratively inconvenient.

This distinction is one that has deep historical roots. American democracy has long defined political fitness through racialized and ableist ideas about capacity that question who is competent enough to govern, independent enough to participate, rational enough to decide, settled enough to count, and trustworthy enough to be believed. Literacy tests did not measure reading inasmuch as they classified Black voters as incapable. Guardianship did not manage decisions inasmuch as it stripped disabled people of legal and political personhood. "Good moral character" requirements did not merely assess conduct inasmuch as they gave officials discretion to decide whose citizenship counted.

Today's voting restrictions do not say explicitly that certain voters are unfit inasmuch as they require conditions that are incompatible with the reality for many marginalized people's lives: stable records, matching documents, mobility, bureaucratic fluency, digital access, independence from assistance, and a community whose political power is already legible to law. Then, when people struggle to meet those conditions, the system treats the struggle as evidence.

Racialized disabled people are not incidental to the voting-rights crisis. They reveal how the system works. Their exclusion is not superficially a matter of race plus disability, or representation plus access. It is a window into how democracy defines legitimate participation around whiteness, able-bodiedness, independence, documentation, and state legibility, and then treats anyone outside that frame as a problem to be managed.

This is why *Callais* is not only about vote-dilution, it is about disability justice. The harm is not that racism and ableism happen at the same time. It is that they work through one another. *Callais*, voter-roll surveillance, proof requirements, mail-voting restrictions, and disability access barriers can be seen to operate through different legal or administrative channels, but they are doing the same political work. Those already burdened by exclusion are made responsible for overcoming it and, when they cannot, their diminished power is treated as neutral.

The question, then, is not only whether an individual voter can technically cast a ballot. It is whether racialized disabled communities are recognized as fully capable of governing, organizing, demanding repair, and shaping the systems that determine their lives.

ACCESS IS POWER

The stakes are material. For racialized disabled people, voting power shapes Medicaid, home- and community-based services, special education, housing and nutrition, transportation, reproductive health care, emergency management, policing, incarceration, institutionalization, and public benefits. These are not merely policy issues disabled people care about. They are systems that decide where people live, whether they receive care, whether they are confined, whether they can work, whether they can parent, whether they can move through public space, and whether they survive.

The response cannot be limited to litigation, although litigation remains essential. If political disablement operates through maps, paperwork, surveillance, inaccessible infrastructure, and narrowed remedies, then the answer must be democratic infrastructure designed to do the opposite. It calls on us to build collective power, reduce bureaucratic exclusion, protect assistance, make access ordinary rather than exceptional, and ensure that remedies for exclusion are not treated as more dangerous than exclusion itself.

This can be aided through policies such as state voting rights acts, accessible vote-by-mail systems, automatic and same-day registration, robust voter-assistance protections, accessible election technology, anti-purge protections, language access, transportation supports, voting programs for those in carceral and institutional settings, strong protections against federal voter-roll surveillance and mail-ballot interference, and election administration designed with racialized disabled voters at the center.

The response is already moving beyond the courts. On May 26, the Congressional Black Caucus sent letters to more than 250 companies urging them to oppose Republican-led redistricting efforts targeting majority-Black districts, publicly denounce those plans, and disclose political contributions to lawmakers driving them. The caucus called on corporations that have profited from Black communities and previously claimed commitments to racial justice to defend Black political representation when it is under direct attack.

In Mississippi, thousands gathered in Jackson after *Callais* to declare that the state's long history of Black disenfranchisement would not be quietly modernized.

The march began at the Old Capitol, where Mississippi's 1890 constitution helped engineer Black political exclusion through law and moved through downtown Jackson while invoking the legacy of civil-rights leaders including Medgar Evers. It was a public reminder that today's redistricting fights belong to a longer struggle over whether Black communities can hold, exercise, and defend governing power. Together, these actions show that political disablement must be contested beyond the courtroom. It must be challenged through public pressure, economic accountability, organizing, and demands that institutions defend the political power they claim to value.

Political disablement has always been part of American democracy. It fed into the systems of slavery and settler colonialism, into gendered and racial exclusion, into guardianship and institutionalization, into literacy tests and poll taxes, into felony disenfranchisement, inaccessible polling places, and the long treatment of disabled people as problems rather than political actors.

The Voting Rights Act, the civil-rights movement, and the brief periods when federal law has meaningfully protected those the constitutional order was built to exclude should be understood not as the natural baseline of American democracy, but as hard-won interruptions in a much older system. A democracy worthy of the name must do more than defend the ballot as it exists. It must dismantle the racialized and ableist conditions that decide whose communities are valid.

We need a paradigm shift in how we talk about disability and democracy. Voting rights are not only about access to the ballot. They are about access to power. Racialized disabled people do not simply need the right to cast an individual vote in an inaccessible system. They need the collective ability to shape the laws, budgets, programs, and institutions that govern their lives.

Access is not charity. Accommodation is not exception. Representation is not symbolism. Remedies are not threats. They are the infrastructure of democratic power. A democracy worthy of the name must do more than defend the ballot as it exists. It must dismantle the racialized and ableist conditions that decide whose communities are recognized as capable of governing.

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