

A Critical Race Theory Case Study of the Effect of Gerrymandering on Political Representation in El Paso County Colorado, U.S.A.

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Abstract.

In 2020, Black Lives Matter protests following the murder of George Floyd in Minneapolis captivated the United States and the world at large, with people of color demanding an end to police brutality and racial inequality. Dr. Martin Luther King, Jr. recognized the right to vote as foundational to equality in a democracy. Racial inequality is exposed by purportedly partisan gerrymandering efforts that amount to Black voter dilution. Gerrymandering creates a winner-take-all game in which the majority rules, but the process is rooted in housing segregation policies initiated in the 1930s that concentrated Black Americans into specific neighborhoods and expressly excluded from certain neighborhoods indicated by redlining on city planning maps. This case study utilizes tenets of Critical Race Theory to interrogate the effect of racism on political representation in a gerrymandered congressional district in Colorado.

Keywords: Black voter dilution; proportionality; residential segregation; voting rights; winner-take-all.

1.Introduction

In May 2020, Black Lives Matter (BLM) protests broke out following the murder of George Floyd in Minneapolis, Minnesota. Protests spread around the world both in support of the BLM movement in the United States and to expose racial inequity around the globe. BLM supporters took to the streets in Colorado Springs every night for more than two weeks calling for an end to police brutality and for the city to establish a police accountability commission (Beedle, 2020).

Race and racism are embedded in American society (Parker & Lynn, 2002) and in Colorado. Redlining practices that expressly prohibited Black Americans from buying homes in certain neighborhoods established racially segregated communities. This practice took place in Colorado Springs in the 1930s just as it did in large urban areas across the United States. The southeastern portion of Colorado Springs is racially segregated with the largest proportion of Black residents in the city. Some of the oldest houses in the downtown area of the city have been passed down through generations with the restrictive covenants still attached to the deed stating the house will not be sold to a Black family.

Following the 1970 census, Colorado's population growth warranted the addition of a 5th Congressional District. Since 1972, republicans have been elected to the 5th Congressional District by a margin of 60% to the democrats 40%. A history of voter suppression tactics has been reported including a lack of accessible ballot drop boxes in southeast neighborhoods. El Paso County Clerk and Recorder newsletters reported the 2005 closure of a DMV/voter

registration office that served residents in southeast Colorado Springs, Security-Widefield, and Fountain. Two years later, the county opened a DMV office on Fort Carson to serve only the military residents of southeast Colorado Springs, Security-Widefield, and Fountain (El Paso County Clerk and Recorder, 2006). Around the same time, the Department of Human Services was relocated from a central downtown location to a facility on the northwest edge of Colorado Springs with limited public transportation service, complicating access to social safety net programs. While these acts are insidious on their own, racial gerrymandering and Black voter dilution made it possible for those in power to create these barriers to access.

The term gerrymander describes the practice of drawing district lines to create a supermajority of voters for one political party and disadvantage the other party. The first part of the word “Gerry” refers to the name of a Boston politician whose district boundaries were drawn in a way that resembled a salamander, from which “mander” is derived, more than a contiguous community of interest (Casati, 2001). Combining “gerry” with “mander” gives us the derogatory term gerrymander. Redistricting occurs following each decennial census survey of the population.

1.1 Purpose and Research Questions

The purpose of this study was to examine race as a factor in voter turnout, registration by party affiliation, and election results in three presidential election years 2008, 2012, and 2016, comparing state house districts within El Paso County. The results of this voter analysis were compared to a Census data map of El Paso County to understand racial marginalization in gerrymandered “safe” districts compared to the only competitive district in El Paso County, House District 17 in southeast Colorado Springs. This study addresses a gap in the literature by using Critical Race Theory as a framework to examine the effect of gerrymandering on representative outcomes and voting, particularly in a historically racially segregated city.

City and county racial demographics were examined and compared with the results of an analysis of publicly available voter registration and voter turnout data maintained by the Colorado Secretary of State during three presidential election years, 2008, 2012, and 2016. Redistricting maps were examined for their processes, results, and openness, particularly noting whether race was considered. Research questions this study investigated include the following:

1. Were there any differences in voter registration in the state house districts during the 2008, 2012, and 2016 elections and if so what were they?
2. Were there any differences in voter turnout in the state house districts during the 2008, 2012, and 2016? Are there differences in turnout between democratic gerrymandered districts, republican gerrymandered districts, and House District 17, the only competitive district?
3. What was the racial demographic in each House District? What is the proportion of Black elected representatives compared to the population demographics?

1.1.1 Literature Review

Gerrymandering studies cover a range of perspectives, largely consisting of quantitative analyses framed in rational theory holding that voter choice and the size of government reflect rational choices of utility-maximizing individuals (Meltzer, 1981). Gilligan and Matsusaka (2006) examined the median voter model as a violation of majority rule, a basic tenet of democracy, and found that drawing district lines making preferences as similar as possible reduced bias in redistricting. Electoral geographers examine proportionality and how politics shapes the physical landscape (Forest, 2018). Gusmano (2021) found that racial- and class-based segregation undermines political participation which has a corrosive effect on trust in government to promote the common good. Hasen (2018) described Dr. King's unfinished voting rights revolution noting that when voting rights are directly enforced by the federal government, voter registration rises to the level of white registered voters and election of Black men and women to office dramatically increases. Local governments still pass discriminatory voting and election laws because they can (Hasen, 2018). Waymer's (2016) Critical Race Theory case study challenged American Exceptionalism defined as the adherence of Whites to Colonialism and superiority over other, and racial gerrymandering in South Carolina.

Geographical Gerrymandering

Forest (2018) examined the three major approaches to the field of electoral geography: geography of voting, geographic influences on voting or the effect of place on politics and behavior, and geography of representation. The objective was to understand how political and racial minorities can wield power or not, the key is to examine the structure of the electoral system including gerrymandering. The author discusses influences on voting, particularly the neighborhood effect, finding that the higher the number of minorities in an area and influence of institutions like schools and churches, the higher the voter participation among minorities. The neighborhood effect can also highlight competition for resources among neighbors. Investment in certain areas can alter voter support at the local level that differs from national level support. Support for a party that is distributed across local districts but at less than a plurality can explain a different electoral outcome for federal seats than for local seats.

Hersh and Nall (2016) used geocoded registration records and geocoded precinct returns to examine income-based voting across local areas. The research found the political geography of income-based voting is inextricably linked to race but marginally linked to income. Hood and McKee (2008) used individual-level survey data from the midterm election in 2006 to determine the extent to which redistricting affected white voters' choice in two Congressional districts in Georgia after redistricting. The probability of voting for the republican candidate among voters represented by the incumbent democratic before and after redistricting versus voters newly drawn into the district indicated that redrawn whites were more likely to vote for the republican challenger. Casati (2001) contributes to the gerrymandering debate finding that while odd-shaped districts depict political intent to concentrate or dilute votes, to decide whether a district is gerrymandered, it is necessary to look at the distribution of voters over a larger area, beyond the district.

Waymer and Heath (2016) presented a case study of racial gerrymandering in South Carolina. In this Critical Race Theory study, the authors highlight the use of American Exceptionalism, the belief that America is uniquely different than other countries in important ways, to impose control and marginalize voting perspectives that do not adhere to this dogma. The authors argue that political elites can use lobbying and application of Voting Rights Act elements to circumvent representation of certain groups. American exceptionalism adherents

draw inspiration from colonialism and the American Revolution with a strong belief in hegemony, in short, superiority over other.

In a study with similar outcomes described by Waymer and Heath (2016), Hasen (2018) described how the republicans have used redistricting by race to force the exit of White democrats from the democratic party or at least create racial polarization. Hasen (2018) argued that discrimination persists because state and local level governments are able to pass discriminatory voting and election laws.

Redistricting Methods

Cottrill (2012) examined House elections spanning 1982-2008 and hypothesized that if gerrymandering creates safe seats for incumbents, then we should see a larger percentage of votes and partisanship in states with legislative redistricting than in states with non-legislative redistricting. The results suggested that non-legislative redistricting processes encouraged challengers to run for office decreasing the likelihood of an incumbent running unopposed, yet the margins of victory were not reduced nor were the changes of the incumbent losing increased. Additionally, analyzing three states pre- and post-non-legislative redistricting, all three states did not become more moderate as expected, instead partisanship became much more extremist.

Riggs and Earls (2017) concluded that how one-person one-vote challenges operate in the extreme partisan environment combined with more sophisticated technology to draw unfair partisan advantage potentially creates a new norm where the U.S. Supreme Court currently may think of as a rare occurrence. The study examined the restructuring of the board of education and board of county commissioners in heavily Democratic Wake County North Carolina in 2013 and 2015 by a Republican supermajority in the state assembly.

Robson (2014) found that in a multi-electorate system such as Australia's in which the winner obtains a majority of voters in a majority of electorates, the policy preferred by the median voter, favored by Meltzer and Richard, will not be stable. Instead, the winner is found by identifying the median voter in each separate electorate, these medians are arranged in increasing order, then the median of these medians is identified. The policy distance can be very large between the overall median and the median of medians, meaning it is possible for extreme policies to emerge as political equilibria.

Stephanopoulos (2012a) proposed that courts examine how consistent political districts are in comparison with "organic geographical communities" which the author labels as the territorial community test. The author points out that the Supreme Court has held that unconstitutional gerrymanders can exist but have struck down every test put brought before the court. Objections to the author's territorial community test include difficulty determining where community boundaries lie, and that concentration of racial minorities and democrats would make elections less competitive.

Stephanopoulos (2012b) also examined spatial diversity to explain why the Supreme Court determines some districts as political gerrymanders, but other similar districts are not. According to Stephanopoulos, spatial diversity is a district with a normal income distribution in which most wealthy people live in one area and most poor people live in another area; but spatial homogeneity would exist if both rich and poor were evenly distributed across the district. The author states that spatially diverse districts are more often challenged as political gerrymanders and spatial heterogeneity of the particular minority typically explains why some

majority-minority districts are upheld and others struck down. The author's objective was to consider what districts are like internally, what they are made of rather than who they elect.

Democracy & Public Choice

In a study of the 2009 United States House election, McCarty, Poole, and Rosenthal (2009) found that while gerrymandering increased the republican seat count in the House and decreases the number of competitive seats with every redistricting, the increase is not an important source of polarization. In a later study, Bonica, McCarty, Poole and Rosenthal (2013) argued against the premise relied upon by both Meltzer and Richard (1981) and Bolton and Roland (1999) to develop their models: that politics is majority rule, expressed as one-person one-vote, and that all voters cast ballots. Bonica, McCarty, Poole and Rosenthal (2013) claimed the political system has failed to counterbalance rising inequality because both major parties support decreasing redistribution, lower taxes, and low voter turnout of the poor; furthermore, turning to the social safety net is less attractive, the wealthy have influenced elections and policies, and gerrymandering has reduced accountability and increased gridlock. Bonica, McCarty, Poole, and Rosenthal (2013) discovered five reasons that explain why democracy has not slowed rising inequality: 1. Both major parties support decreasing redistribution, lower tax rates for higher incomes, and financial deregulation. 2. Immigration and low turnout of the poor. 3. Rising real income and wealth has made turning to government for social safety net less attractive. 4. The wealthy have influenced elections and policies through lobbying and campaign contributions. 5. Gerrymandering and filibustering have reduced accountability and increased gridlock. The authors referred to a rich historical background including the Democratic-led repeal of financial regulations in 1993 that the party established in the 1930s and emphasized the observation that political polarization and income inequality have tracked closely over the past 100 years. Pew Research (2015) also observed this relationship between polarization and income inequality.

Contributing to studies concerning gerrymandered inequity and outcomes, Gusmano (2021) examined the corrosive effects of segregation on trust that their community members and their government will act to promote the common good hypothesizing that racial- and class-based residential segregation subverts citizens' capacity for effective political participation. The author attributes the growing partisanship among Congress members to state government efforts to gerrymander districts.

Hasen (2018) described how the republicans have used redistricting by race to force the exit of white democrats from the democratic party or at least create racial polarization. The author argues that discrimination persists because state and local level governments are able to pass discriminatory voting and election laws. This study supports Kendi's (2019) observation that it has steadily become more difficult for people of color to vote politicians out of office due to racist voting policies including voter-ID laws.

Gilligan and Matsusaka (2006) examined how closely policy outcomes correspond to majority rule and presented a model based on the median voter model which is that voters in a legislative district hold a particular policy ideal and collectively elect the median representative, but policy outcomes do not always reflect the median ideal in the legislative district. Such departures from majority rule are worth studying as they violate a basic tenet of democracy. The study found that drawing district lines to make the preferences as similar as possible eliminated bias.

The studies that most inspired my selection of case study research was Forest (2018) and Waymer and Heath (2016). Forest's (2018) electoral geography study of representation and race revealed differences in racial composition between local- and federal-level elected offices. Waymer and Heath (2016) found that gerrymandering had been used to dilute Black votes. These studies inspired my selection of case study research, it is critical to understanding the effect of gerrymandering on representation of marginalized populations. A winner-take-all attitude drives gerrymandering efforts that purport to be partisan but have serious implications concerning the power of voters to vote for the policies that benefit them (Hacker & Pierson, 2010).

1.1.2 Theoretical Framework

Critical Race Theory serves as the theoretical framework for the examination of the relationship between voting and representative outcomes in state-level legislative seats within a national-level gerrymandered house district. The tenet of the ordinariness of racism is applied to this study as race is not reported while age and gender are reported in state-level publicly available data of registered voters and voter turnout in El Paso County Colorado. Ignoring race and racism makes it difficult to address. The tenet of interest convergence is at work where voter participation is explained by income rather than race.

Delgado and Stefancic (1993) describe the history of Critical Race Theory (CRT). CRT began in the 1970s with the realization that many of the gains of the 1960s Civil Rights Movement were being rolled back. Critical Race Theory helped legal scholars understand the complex relationships among race, racism, and law. Delgado, Stefancic, and Harris (2017) provide the following basic tenets of CRT: 1. Racism is ordinary, meaning that it is unacknowledged and therefore difficult to address; 2. Racism converges the interests of White elites and working-class Whites leaving little incentive to eradicate it; 3. Race and racism are social constructs that society creates; 4. Racism shifts to align with White racialization of different minority groups at different times; 5. No one has a single identity therefore everyone has potentially conflicting, overlapping identities, and allegiances; 6. Race and racism urges people of color to communicate their experiences to Whites about matters which they are unlikely to have any familiarity.

Parker and Lynn (2002) utilized CRT as a discourse of liberation to expose the ways race and racism affect the education and lives of racial minorities in the U.S. In this piece, Parker and Lynn explain why there is a need for CRT in qualitative and educational research and assess the points of agreement and conflict between CRT and qualitative research in education which historically ignores marginalized groups. They centered on the tenet of race as a social construct and argued for the eradication of racial subjugation through the right to vote, the right to be proportionally represented, and the right to be proportionally elected to public office.

Crowley's (2013) examination of the Voting Rights Act of 1965 centered on the CRT tenet of interest convergence. Four points of convergence in the adoption of the Voting Rights Act were identified, including the loss of southern White voters to the republican party necessitating registration of disenfranchised Black Americans to reinforce the democratic party; ending segregation to improve U.S. credibility at the height of the Cold War; the violent police action against nonviolent protests reinforced the White majority's approval of the Voting

Rights Act; and framing the voting rights for Black Americans as necessary to the U.S. ideal of democracy.

Daftary (2020) asserts that CRT is a relevant theoretical framework for investigating historically marginalized populations and is well-suited for social work research as it places problems in social, political, and historical context while considering power and oppression. Furthermore, researchers should apply CRT from the study's inception through the reporting of the findings by adhering to CRT tenets and applying them to problem identification, research question formulation, data collection, and presentation and implications of the findings (Daftary, 2020). The author cites Derrick Bell (1980) for creating the term interest convergence and expands on the earlier definition by emphasizing that racial justice is not sought by the White dominant group out of altruism, those working for racial justice must demonstrate how changes will benefit the dominant White group.

2. Method

A qualitative case study method was selected to answer the research questions. Creswell and Poth (2018) defined case study research as a qualitative approach that investigates a contemporary case bounded by time and place through detailed data collection and reports a case description and analysis. This study uses Critical Race Theory as a framework to examine the relationship between voting and representative outcomes in state-level legislative seats within a national-level gerrymandered house district. With race at the forethought, I analyzed voter registration and voter turnout data in El Paso County during presidential election years 2008-2016 in seven gerrymandered state house districts and the single competitive state house district within the gerrymandered Republican 5th Congressional District in Colorado to discern demographic representation, political affiliation, voter participation, race, and racial proportionality of office holders. The results of the voter analysis were compared with census data consisting of regional demographics to understand who is among the represented in terms of race and proportionality.

The Colorado Secretary of State's Election Data webpage (Secretary of State, n.d.) contains voter registration, turnout, and election results tables and is publicly available. Voter registration data was examined for presidential election years 2008, 2012, and 2016 to answer the first research question. Voter turnout data for the same years was examined to answer the second research question. The Redistricting Commission website (Redistricting Commission, n.d.) was examined for maps, process descriptions, resources, and any publicly available reasoning statements concerning decision making. Election results data were examined to determine which party won the presidential election and to compare the margins for the state house district elections. Notably, none of the data reported the racial demographics for any race, voter registration, or voter turnout. However, voter turnout data included age and gender categories in its reporting.

With the relevant demographic data missing from the state voter data, Census Voting Age Population (CVAP) data was examined for 2008-2012 and 2012-2016 at Census tract level to determine racial composition of each state house district (Census, n.d.). Next, Census Quickfacts for Colorado Springs and El Paso County provided high-level demographic characteristics including race for comparison with the voter data to answer the third research question. Finally, government websites were examined for photographs of city council, mayor,

county officials, and legislative bodies serving El Paso County and Colorado Springs to determine the race of the office holders.

2.1 Findings

In response to the first research question concerning differences in voter registration, there was a difference after 2008 in that voter status, active and inactive, was reported in voter registration, voter turnout, and election results data. In addition to partisan affiliation and representative district data, certain demographic information was added to publicly available data. In 2008, voter registration data included gender; in 2012, both gender and age were reported and continued with 2016 data. The number of registered voters by party affiliation has changed since 2008 with unaffiliated voters outnumbering both major parties in Colorado as of 2016.

The second research question concerned voter turnout and differences in turnout between gerrymandered house districts. Overall, the voter turnout average decreased from 2008 to 2012 by roughly 20% across all house districts in El Paso County. In the following presidential election year, the voter turnout average increased from 2012 to 2016 by between 3% to 5% across all house districts. See Table 1 for detailed house district voter turnout averages by year.

Table 1: Voter Turnout: Average by House District and Year

| House District | 2008 | 2012 | 2016 |
|----------------|------|------|------|
| 14 | 93% | 72% | 77% |
| 15 | 92% | 70% | 72% |
| 16 | 91% | 70% | 73% |
| 17 | 83% | 55% | 57% |
| 18 | 87% | 69% | 70% |
| 19 | 92% | 77% | 80% |
| 20 | 94% | 74% | 77% |
| 21 | 92% | 63% | 66% |

In order to determine gerrymandered house districts, election results for each of the three years was examined for 60-40 margins in the presidential race and house district races. The relevance of comparing the state-level election results with federal-level is consistent with Forest's (2018) electoral geography research on representation and race that found differences in racial composition between local- and federal-level elected offices. In 2008, El Paso County voted for the republican presidential candidate 160,318 to 108,899 out of 274,707 votes cast, or a 60-40 margin of victory but the democrat won the state; the presidential result margins remained the same in 2012. Also in 2012, the republican ran unopposed by a democratic candidate 5th Congressional District race and in House Districts 14, 15, 16, 19, and 21. Finally, in 2016, the margin in the presidential race was roughly 59% to 33%, and about the same margin for the 5th Congressional District race. The republican candidate ran unopposed in House Districts 16 and 21. Detailed election results by house district, party, and race are reported in Table 2.

Table 2: Election Results by House District, Party, and Year

| House District | 2008 | | 2012 | | 2016 | |
|----------------|------|------|------|------|------|------|
| | Rep% | Dem% | Rep% | Dem% | Rep% | Dem% |
| 14 | 65 | 26 | 64 | n/a | 66 | 25 |
| 15 | 60 | 30 | 61 | n/a | 61 | 29 |
| 16 | 53 | 37 | 54 | n/a | 62 | n/a |
| 17 | 44 | 47 | 34 | 49 | 39 | 46 |
| 18 | 33 | 57 | 37 | 49 | 36 | 49 |
| 19 | 62 | 30 | 72 | n/a | 74 | 18 |
| 20 | 71 | 22 | 58 | 29 | 59 | 28 |
| 21 | 50 | 42 | 55 | n/a | 60 | n/a |

Finally, Census data was consulted to respond to the first part of the third question concerning the racial demographics of each house district. Table 3 reports Census Voting Age Population (CVAP) by house district and race.

Table 3: Census Voting Age Population by House District and Race

| House District | % Black | % Hispanic | % White |
|----------------|---------|------------|---------|
| 14 | 4 | 10 | 78 |
| 15 | 7 | 14 | 71 |
| 16 | 6 | 14 | 73 |
| 17 | 13 | 36 | 42 |
| 18 | 5 | 16 | 74 |
| 19 | 2 | 8 | 84 |
| 20 | 3 | 11 | 79 |
| 21 | 9 | 18 | 63 |

In order to respond to the second part of the third question concerning the proportion of Black elected representative compared to the population, images of elected officials posted on relevant government and legislative websites were examined to determine race. Out of eight house district representatives, only House District 17 is represented by a Black American. Additionally, of the 10 elected city leaders and 12 county leaders, none are Black.

2.1.1 Discussion and Implications

Gerrymandering research provides two key ideas to inform the discussion on the findings; first, to decide whether a district is gerrymandered, examine the districts around it, and second, a margin of 10% greater than the 50% plus one to win strongly suggests the district is severely gerrymandered (Casati, 2001; Stephanopoulos, 2012b). First, the results in all three election years reveal seven of the house districts in El Paso County maintain a 60-40 margin or greater, of the seven, six are republican and one is democratic. The only competitive house district is district 17 which also holds the highest number of Black Americans. The turnout data reveal there was a reduction in turnout from 2008 to 2012 in which the presidential incumbent was the United States' first African American president. With House District 17 consisting of

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the largest concentration of Black voters in El Paso County, the expectation would favor a high voter turnout. Yet, the 2010 redistricting altered expected outcomes.

The 2001 politically appointed redistricting commission was comprised of six democrats and five republicans. According to redistricting maps and information for each house district, the commission considered total district population size, voting age population size, and race in addition to party affiliation, with population proportionality the clear priority based on total population per district (Colorado Redistricting Commission Final Report 2001, n.d.). House Districts 17 and 18 were split roughly even across democrat, republican, and unaffiliated registered voters. The remaining house districts apportioned republicans at 50% or slightly more, but the voter turnout at over 60% appears to result from crossover unaffiliated voters.

The 2011 commission appeared to rely less on population proportionality as district population totals vary more widely than in 2001 (Colorado Redistricting Maps 2011, n.d.). House districts 17 and 18 remained roughly split across republican, democrat, and unaffiliated registered voters, but largely rural district 19 was gerrymandered at 60% favorable for republicans. Election results from 2010 by party affiliation were examined by the commission but registered voters' party affiliation appeared to be the main consideration.

Parker and Lynn (2002) found that educational research historically de-emphasizes race by arguing that problems experienced by minority students in schools can be understood through class or gender analysis. This tactic of de-emphasizing or ignoring marginalized groups and explaining disparities by some other demographic appears to align with redistricting practices as population proportionality and voter registration over election outcomes impact decisions. The election data maintained by the Colorado Secretary of State ignores race in its publicly available data while reporting age and gender. De-emphasizing race aligns with El Paso County government officials' claim that closing the DMV/voter registration office serving residents in the southeast was motivated by the need for efficiency (El Paso County, 2005). When social services offices were moved from a central downtown location to a location several miles in the opposite direction from the population most in need, county officials stated they simply needed a larger facility. Relocating voter registration offices to distant locations and limiting voting access were among the tactics deployed by southern officials after federal preclearance of changes to voting rules ended in 2013 (Delgado et al., 2017).

The implication of not acknowledging race and racism in voting and election rules and redistricting procedures is further marginalization of an entire group from social and political participation. Policy outcomes depend on the rules governing who can vote, who can run for office, how campaigns are funded, and how voters are grouped into districts (Gilligan & Matsusaka, 2006). Hacker and Pierson (2012) found three features of growing winner-take-all inequality; the concentration of economic gains at the top, sustained growth of wealth accumulation since 1980, and few benefits for the majority of the population produced from the gains of the few.

Dr. Martin Luther King Jr. led rallies and debated decisionmakers on the point that marginalization of people of color was not democratic (Crowley, 2013). Diluting the votes of Black people anywhere, including El Paso County and Colorado Springs, denies an entire demographic group's power to contribute to society. Equity in voting and representation has been achieved in recent history. After the Civil War ended in 1865, twelve years of Reconstruction and federal troop deployment to the southern states made possible the election of over 300 Black Americans to state and federal public offices including a U.S. Senator and a

state Governor; all of these gains were lost only after Hayes withdrew troops from the south to guarantee his election as president (Rury, 2020).

3. Conclusion

The application of CRT as a framework clarifies the connection between oppression and the right to vote and for that vote to move policy that improves a community's quality of life. The absence of race in the voter data maintained by the Colorado Secretary of State coupled with local voter suppression tactics highlights the need to acknowledge race in order to address the social problems associated with racism. While the BLM movement cast a spotlight on police brutality and racism, measures to hold police accountable have not been adopted to date. From a CRT perspective, progress on police accountability is hampered by the fact that the City's elected leaders are White. Given the geographical limitations of drawing district lines, historical segregation by both race and income, and the threat to democracy posed by these and other social constructs, research framed in CRT emphasizing cumulative voting and other modernized forms of voting is foundational to obtaining the power to make policies that benefit people of color and end racism.

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