



Live the Legacy Podcast

Live the Legacy podcast captures bold conversations between civil rights icons and today's student activists. These conversations bridge the past and the present in order to move forward together. Listen today on our [website](#) or your favorite podcast app.

Season 1, Episode 5: John Bonifaz of Free Speech For People

Andrew Goodman Ambassador Katelyn Winstead interviews John Bonifaz, the co-founder of Free Speech For People. Katelyn and John discuss the impacts of money in politics, how new anti-voter laws impact young voters, and share advice for future voting rights activists. To learn more about John's work, visit freespeechforpeople.org.

Transcript

Mo: Welcome back to Live the Legacy Podcast, a project brought to you by the Andrew Goodman Foundation. Today we are joined by John Bonifaz, the co-founder of Free Speech For People. Free Speech for People is a national, nonprofit, nonpartisan organization that is a catalyzing leader in the country challenging big money in politics, confronting corruption in government, fighting for free and fair elections, and advancing a new jurisprudence grounded in the promises of political equality and democratic self-government. John previously served as the Executive Director of the National Voting Rights Institute, which he founded in 1994, and as the legal director of Voter Action, a national election integrity organization. Mr. Bonifaz has been at the forefront of key voting rights battles in this country for more than two decades. In addition to his work in the field of voting rights and democracy advocacy, Mr. Bonifaz has also served as Co-Council in international human rights and environmental litigation. He is a graduate of Harvard Law School and a recipient of a MacArthur Foundation Fellowship.

John will be joined today by Katelyn Winstead, an Andrew Goodman ambassador from the University of Mississippi. Katelyn is originally from Ocean Springs and attended Mississippi Gulf Coast Community College before transferring to the University of Mississippi. Katelyn is an honor student and a public policy leadership major with a minor in philosophy. She has served

as a voting ambassador through UM's Center for Community Engagement and received the Emerging Leader Award in the 2021 UM Leadership and Engagement Award ceremony. She plans on attending law school after graduating in the Spring of 2022 and aspires to work in the areas of voting and civil rights policy. We are thrilled to have both John and Katelyn for today's episode. So without further ado, please enjoy. Okay, actually, before we start the episode, I wanted to jump in really quick and just provide a little bit more context for some of the things that we're going to be talking about in this episode, because in this episode, we actually talk a lot about money in politics and how that has drastically affected our democracy. So we mentioned something called Citizens United, and I just wanted to give a brief background information about that case so that once again, you can have a fuller context and understanding of the conversation that we're having today.

So, in 2010, the Supreme Court ruled in favor of Citizens United in the case Citizens United vs. Federal Election Commission, or the FEC. Citizens United is this conservative nonprofit group that challenged campaign finance rules. After the FEC stopped them from airing this film criticizing a certain presidential candidate too close to the presidential primaries, the Supreme Court decision ruled that corporations and other outside groups can now spend unlimited money on elections. This Supreme Court decision actually overturned election spending restrictions that date back more than 100 years. So it was a really big deal. And as a result, corporations can now spend unlimited funds on campaign advertising sometimes without ever disclosing where the money is actually coming from, which is known as dark money. The ruling has ushered in massive increases in political spending from outside groups. It drastically expanded the already outsized political influence of wealthy donors, corporations, and special interest groups. And it gave way to the formation of super PACs, which have spent nearly \$6 billion on election campaigns in the past ten years alone.

Citizens United has been a huge blow to the integrity of our democracy as it has swung the doors wide open for massive amounts of corruption, manipulation, and funneling of dark money. So in this time of historic wealth inequality, this decision has helped reinforce this narrative that our democracy primarily serves the interest of the wealthy few, whereas the vast majority of citizens' opinions and values in our democratic process has relatively little value. So the need for greater transparency and accountability in campaign financing cannot be overstated. In fact, the For The People Act and the Freedom to Vote Act were both going to increase donor transparency and tighten the rules around super PACs. In fact, I asked John about this, so I'm actually just going to let you listen to him explain it because he can do it much better than I can.

John: Absolutely. I'm a big supporter of those federal bills, the Freedom to Vote Act, and the prior version of it, the For the People Act, and I do think that it includes important provisions that limits the influence of money in politics. The For the People Act in particular, had a very broad public funding program in there. It's been more limited in the newer version. But public funding elections is a critical way to help level the playing field and lift up that promise of political equality for all. For people who do not have access to wealth and wealthy connectors or friends, they ought to be able to participate in the process as candidates and as voters without having to

rely on somehow finding access to wealth when they can't. And what it really does is, in our current system, it sets up this wealth primary, as Congressman Jamie Raskin and I have written about in an article prior to his time as member of Congress. And that wealth primary is an exclusionary process, it excludes people based on their lack of access to wealth, and it's actually quite influential in our process today. If you outraise and outspend your opponent, if you win that wealth primary, you'll go on to win the election. So we have made the argument that, like the poll tax of the past, like high candidate filing fees of the past, the wealth primary today violates the rights of voters who do not have access to wealth. And public funding elections is a critical reform that helps eliminate the wealth primary. It's not going to eliminate it all together until we also overturn these rulings, like Citizens United, that allow for this unlimited campaign spending regime we have. But it's certainly an important step forward in ensuring that people can have access to the process regardless of their economic status.

Mo: Thanks, John. So, as you all know, the Freedom to Vote Act and the For the People Act have both failed to pass the Senate, so we are left without much needed protections against undue donor influence in our democracy. There are folks who are working and organizing to make sure that those changes are made, but hopefully this information helps you put this conversation in a more full context. Okay, I'm gonna be quiet now and let y'all get to this incredible interview. Thanks.

Katelyn: Alright, John. So first off, please just introduce yourself, what you do, just the mission of the organization that you work for, and just give us a little rundown of what you do and how you work with your organization.

John: Sure. Yeah. Thank you. So, I'm John Bonifaz, I'm the President of Free Speech For People. I'm a constitutional lawyer, and we are a national nonprofit organization dedicated to defending our democracy and our Constitution. And we were launched on the day of the US Supreme Court's ruling in Citizens United v. FEC in January of 2010. That was the ruling, as you may know, which swept away a century of precedent, barring corporate money in elections, and unleashed this new exponential growth of unlimited campaign spending in our politics. And since that time, we've been heavily engaged in the courts, in the court of public opinion, with public education litigation, organizing to defend our democracy on various fronts, challenging big money in politics, challenging corruption in government, and fighting to protect the right to vote, fighting for free and fair elections. And we launched a series of cases last year in 2020, leading up to the November 2020 election to help protect the right to vote. Including cases which extended the voter registration deadline in Arizona, leading to ten additional days because of the pandemic for voter registration advocates to get people registered to vote, leading to 35,000 new voters being registered in time for the November election. And including a voter intimidation case that we brought in Minnesota to challenge illegal voter intimidation there, which we won. So we're very involved in this field of voting rights and are right now involved in new cases challenging voter suppression laws in Arizona and Texas.

Katelyn: That's awesome. And your work is amazing. I hope that any listeners that haven't researched you will now, because what you and your organization do is great. But you touched on this a little bit. What drew you to work in voting rights, and can you describe the specific moment that you knew you needed to become an advocate for voting rights?

John: Yes, actually, I was an activist from an early age as a high school student, and then into college and law school. And actually, during my time in college, I became very motivated by the whole question of people needing to get registered to vote. I actually participated in a project called [Freedom Summer '84](#) to commemorate [Freedom Summer '64](#), which dispersed college students around the country to help register people to vote, focusing on poor voters. I worked in Chester County, Pennsylvania, focusing on voters in that region going to unemployment lines, cheese lines, food lines, and other places to try to get people engaged and registered to vote. And some days work better than others. Some days you get somebody in line saying, I'm on it, and you get everybody else in line. But other days, there were clear frustrations that people had with the political process and with the lack of choice of candidates, and they didn't see why they should participate. So that got me involved in the overall question of voting and getting people further engaged.

But really it was during my law school time where I became focused on the voting rights question, because I ended up writing a third-year paper on the issue of money in politics as a voting rights issue of our time. And that third-year paper was inspired by a conference that occurred in 1990 in Waveland, Mississippi, that brought together civil rights activists, environmental activists, and others from the peace movement and elsewhere who came together to talk about the issue of money and politics as a voting rights question of our time. And Dr. Gwen Patton was one of the participants in that conference. She was a longtime civil rights worker from Montgomery, Alabama.

I was honored to have known her and to work with her, she said at that conference in Waveland, Mississippi, "We have fought and died for the right to vote, but what good is that right if we do not have candidates to vote for, getting money out of politics, private money out of politics, is the unfinished business of the voting rights movement." And that statement by Dr. Patton crystallized for people in the room, the fight they wanted to see happen around campaign finance and voting rights, and they ended up writing a layperson's memorandum. None of them were lawyers in that room, nor law students, but they wrote this memorandum advocating for the legal community to take on this question. I ended up knowing one of the people who was in that room and got a hold of that memorandum, and I ended up writing my third-year paper on it. And it led to my work in this field, starting with the focus around money and politics as a voting rights issue of our time.

Katelyn: That's incredible. And I really love the tie to Mississippi that you have there. Mississippi and myself, I think it's really cool too, that you did the Freedom Summer '84 connecting back to Andrew Goodman. So that's just, it all comes around. So do the types of anti voter laws being

passed impact young people's ability to vote, like 18 to 29 year olds? And if so, if it does impact young people's ability to vote, how, why?

John: Why yes, there's no question that these voter suppression laws in so many of these states impact young people's ability to vote. And the ways that they do that is to make it harder to cast those ballots. So for example, in Arizona, if you are not voting in two consecutive cycles, you get removed from what's known as the permanent Early Voting list, which has been a list very popular for voters in Arizona who want to automatically be able to vote early. Now, if you get purged from that list, you're effectively kept off of it for the next cycle and that's going to make it harder for people to participate in the process. Further, with respect to mail-in voting, many of these laws make it more difficult to cast mail-in ballots, put more restrictions on voting by mail under the false premise that mail-in voting leads to massive voter fraud, or frankly, the big lie overall, that there was massive voter fraud in the November 2020 Election, where there's no evidence whatsoever of that.

Another way that these laws make it more difficult for young people to vote is by really restricting voting sites, polling places getting reduced. In the state of Texas, they've been doing that for some time. And this new voter suppression law further limits where people will be able to vote. When you make it more difficult for people to get to the polling place by having more limited places to vote, where people have to travel further distances in order to cast their ballots on Election Day, that's a form of voter suppression. Long lines at the polls is a form of voter suppression. So when you see these jurisdictions where they have five, seven, eight plus hours, even more of people having to stay in line order vote, that restricts people, including young people who may not have the ability to stay 8 hours in line in order to vote, we should be making it easier for people to vote, not harder. The right to vote is the most critical right, fundamental right of our democratic process. And that means it must be open to all and made accessible to all.

One of the things that we learned through the pandemic is that people are going to need to have safe and secure ways in order to vote during this kind of health crisis. So for example, in Harris County, Texas, they opened up drive through voting so you wouldn't have to get out of your car and you could drive through a polling site and cast your ballot. That's getting banned by this new Texas voter suppression law, 24 hour voting. People who hold down two, three jobs, or people who work night shifts and aren't able to get to the polling sites during the work day or under the definition of what a work day is, daylight time, 24 hour voting was a real way to encourage people to vote. One of our clients in our Texas case is a man who works very late night hours and gets out in the very early hours of the morning. And he relied on 24 hour voting in order to cast that ballot in the November election. That's now getting banned by the Texas voter suppression law. And certainly for young people who are facing those kinds of jobs and those kinds of late hours, 24 hour voting is a way to help increase their participation as well.

So these are some of the ways, there are unfortunately many others in which we're seeing the kind of voter suppression take place through these various laws. And they all are designed to

effectively limit who gets to vote. Limit young people, limit People of Color, limit poor people. And it's actually a real attack on our democracy and the fundamental right that we all have to participate in the political process.

Katelyn: Very well said. It's very obvious that you are passionate about your work in every aspect of your work, which is incredibly admirable. I'm sure it gets very stressful and overwhelming. I mean, I get overwhelmed and I'm not even an activist yet. But what would you say is the one issue that you're most passionate about advocating for that would help to expand access to the ballot?

John: That's a great question. I think the one issue that really does motivate me around the question of access to the ballot is the ability for people to vote on Election Day without having to be registered. Election Day registration is one of those clear reforms that removes that barrier because what really voter registration has become often in many jurisdictions is a way to limit who gets to actually cast that ballot on Election Day. So when you have election day registration, and we have it in a number of states and it works very well, people show up on the day of the election even if they're not registered, and they can register that day and they can vote that day.

That kind of reform increases who gets to vote, increases the opportunities for people who maybe missed the vote registration deadline, weren't aware of that vote registration deadline. College students are a great example of this, actually, where they're showing up to college, maybe it's a first-year student and they're showing up right around the time when the voter registration deadline has passed or is about to pass, and they don't get registered to vote. And so then the argument is, well, they can vote back where they came from in their home district, but oftentimes they're living nine months out of the year, sometimes longer, in that college community. That's where their home is for that period of time. And they should be able to participate and vote in those elections. And we shouldn't make it more difficult because of the voter registration barrier.

Katelyn: Yeah, absolutely. I have seen a lot of college students, and I myself have struggled to do like an absentee ballot, especially with the restrictions that they have in Mississippi. So it really is very difficult for young people in particular. And speaking of young people, and just people that would like to get involved, how can people who are listening join your work?

John: So we welcome people signing up at [FreeSpeechForPeople.org](https://www.FreeSpeechForPeople.org), which is our website, to get updates. There's different ways for people to take action on the site. Our blog has very current action items on there around all of our different campaigns, and we welcome people joining us in that way. But I also would say we welcome the opportunity to show up in these kinds of venues to people's podcasts, people's forums, to college campuses, whether they're virtual or not, type events, and share what we're doing and how we can work together in this fight for our democracy and the right to vote. We're at a critical crossroads right now, Katelyn, in terms of where we are with our fight for our democracy. There are forces in this country that

want to undermine our democracy, want to limit who gets to vote, want to attack the franchise. And that requires that all of us who care about the vision of democracy, care about the right to vote, care about the legacy of Andrew Goodman, that we stand up and fight together to protect it.

Katelyn: What advice would you give to young people like me who are passionate about advocating for voting rights?

John: Right. Well, the first thing I would say is never give up. There are going to be challenges in these fights. There are going to be peaks and there's going to be valleys. And it's critical that we go into these fights knowing that we're going to have to overcome those valleys and when we get to those peaks. I was very involved, as I said, as a college student, in getting people registered to vote during that Freedom Summer '84. I also happen to be, just to share on a personal level, a strong supporter of Rev. Jesse Jackson's campaign for president that year, and he ended up not getting the nomination. As we know, Michael Dukakis won that nomination that year for the Democratic Party for President in 1984. But I remember very well my father picking me up at an unemployment office where I had been registering people to vote after it was clear Reverend Jackson wasn't going to become the nominee. And he said, I got a present for you in the back there, of the car. And I opened up the box, and it was this Weeble Wobble. And as you may remember, that's a toy hasn't been around for some time. I think you can still get it online. It's one of these round toys, it never falls down. The motto was, you can knock it over, but it weeble wobbles, but they don't fall down. He had a note attached to the toy. He said, this is to remind you, when they knock you down, you come right back up again. And I think that's exactly what we have to do when we're fighting for our democracy and the right to vote, we got to come right back up again. And in this particular climate with all the efforts to kind of suppress the vote, that's my first piece of advice. Second piece of advice would be to go where your passions are. If you care deeply about fighting for voting rights, then get engaged in whatever way you can in that fight. If you care deeply about the environment or climate justice or the fights around education and free and fair education for all, get involved in those fights. But by all means, don't stand on the sidelines. Get into the playing field and speak your mind. You have a voice and your voice needs to be heard.

Katelyn: Yes, I couldn't have said it better myself. That's so important that I think a lot of times whenever people like us, we're going and going and going and trying to fix these problems. But a lot of these problems aren't going to be things that you can look back on and say, oh, we solved this. You make progress on it, but you don't really just solve a problem. It's a continuous fight that you have to get back up for. So I think that story about your dad was just really awesome. And another question I have is whenever you said that there are going to be really highs and like valleys, a lot of lows, really hard times, what would you say is like the biggest adversity that you have faced? What was the biggest problem that you were able to get through?

John: Yeah, that's a great question. I think the biggest adversity is around the naysayers, the people who are going to say you can't do it, you can't make this kind of change, it's not going to work. Those, I think, have been the forces that I've been trying to challenge and either try to persuade them or not let them affect me. And I do think that's a critical piece because there will be people who will claim that there's no way these kinds of things can change, that we can't make this kind of progress. And you know, Dr. King, as we know, said "the arc of the universe is long but it bends toward justice." And certainly part of what that involves is our work in bending it toward justice. It's not something that just happens on its own. This is because of social movements like the civil rights movement, like the labor movement, like the environmental movement, the peace movements of the past. We have a democracy movement today and that's what we're doing in this work is trying to bend it toward justice. But I do think we have to recognize that not everybody at the start or even perhaps in the middle of that movement will get on board. There are going to continue to be skeptics out there who say it can't get done. And we just have to look at history and recognize that change does happen. It doesn't happen overnight, but it does happen. It happens through people coming together, building that power together to make it possible.

Katelyn: Absolutely. And now, just to end on a little bit of a lighter note, what gives you the most hope at the moment, and how would you encourage the next generation of activists to maintain hope in the face of multiple challenges?

John: Yeah, I think that what gives me the most hope is knowing that there's so many people all over the country who care like we do about these causes, and they're doing whatever they can at the local level in these fights. There are people who have this history for many generations who are engaged in these fights, and there are people who are new to these fights all across the spectrum, whether it's the newer people engaged or those who have been involved for many decades. They're all inspiring because they all recognize that they have a voice in this process and to stand up. So I take hope from them, and I'm fortunate to do work in this field in which I come in contact with a lot of people like that and people who really believe that change is possible. I should say I take a lot of inspiration from people who came before us who are no longer with us, like Andrew Goodman. And I think that there are people who have sacrificed so much in the past in the fight for the right to vote, fight for our democracy. They've laid their lives on the line many times. And that's an inspiration, really, knowing that people in the past have stood up and fought in very difficult moments, and we can follow their legacy and do that as well today.

Katelyn: That's incredible. And I think that was the last question I have for you. But I just want to say thank you so much for being here with us today and answering all these questions. I'm speaking from my heart, not from a script, thank you so much. I'm really grateful that you are here today.

John: Katelyn, thank you. Your questions were great.

Mo: This concludes this episode of Live the Legacy podcast. Thank you so much, John and Katelyn, for joining us on this week's episode. And if you want to learn more about the work that John is doing, visit FreeSpeechForPeople.org. And if you like today's episode, please remember to subscribe and leave a review. It helps other people find the podcast a lot easier. A special shoutout to Tabeeek music for all the music that you heard throughout today's episode. Until next time, this has been your host, Mo Banks. Thanks for listening.