

50 Years After US Voting Rights Act, A New Fight for Democracy Demanded

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President Lyndon B. Johnson met with Rev. Dr. Martin Luther King Jr. at the signing of the Voting Rights Act on Aug. 6, 1965. This week a federal appeals court cited the landmark civil rights law in its decision to strike down Texas' strict photo ID requirement for voters. (Photo: LBJ Library / Yoichi Okamoto.)

On the 50th anniversary of the Voting Rights Act, proponents of the landmark legislation are saying the law not only deserves to be celebrated for its historic achievements but must also be defended from an ongoing and coordinated attack against the principles it embodies.

Across the country on Thursday—including at a rally in Washington, D.C. at the Martin Luther King, Jr. Memorial—an array of civil rights advocates, lawmakers, historians, and progressive voices championed the importance of the VRA as they issued a warning that its bedrock principles of voter access and racial justice are under direct assault by forces seeking political gain by subverting democracy, preventing voter registration, and keeping people from the polls.

As Rep. John Lewis (D-Ga.), who marched alongside King and was present when President Lyndon B. Johnson signed the law, said in a tweet on Thursday, “Our vote is the foundation of democracy. A just and fair society requires the removal of any and all barriers to the ballot box.”

Signed in to law on August 6, 1965, the VRA is widely considered—alongside the Civil Rights Act of 1964—one of the key achievements of the movement for racial and social justice which shook the established order in the early 1960s. However, half a century later, those who cherish what the law was able to achieve say those gains are now under serious threat.

Central to the current debate about voting rights are two concurrent developments. First, a slew of state laws passed in recent years—almost exclusively by Republican-controlled legislatures— have imposed new burdens on voters that are disproportionately and negatively impacting minority voters, the elderly, young students, and other vulnerable populations like the poor and disabled. And second, a widely criticized 2013 decision by the U.S. Supreme Court, known as [Shelby County v. Holder](#), which struck down key provisions contained in the Voting Rights Act itself. That decision, critics say, has acted as endorsement for further voter restrictions, especially in southern states freed from federal oversight previously mandated by Section 5 of the VRA.

Julie Ebenstein, a staff attorney with the American Civil Liberties Union's Voting Rights

Project, [explained](#) to the *Huffington Post* how before Section 5 was struck down states were compelled “to show that laws are not discriminatory before they implement them, [but] now we have a situation where plaintiffs need to show that laws are discriminatory and are sprinting to do that before people’s rights are violated in an election.”

And as Theodore M. Shaw, former head of the NAACP and currently a professor at University of North Carolina at Chapel Hill School of Law, explained in a blog post this week, the issue “boils down to whether, as a nation, we still need federal protections against the possibility of racial discrimination in voting.” Shaw continues:

The recent rash of discriminatory voting laws, unleashed by the Shelby County decision, does not help. States have used the court’s implicit approval as justification to pass strict measures. These may not be as obviously discriminatory as literacy tests, but they similarly prevent people from voting.

For example, mere hours after the high court ruling, Texas implemented a strict photo ID law, which had previously been rejected under Section 5. That summer, the North Carolina legislature passed a sweeping law that also instituted a stringent photo ID requirement, eliminated same-day registration, and cut back on early voting.

All of these laws respond to phantom complaints of voter fraud, and all disproportionately hurt the ability of minorities to vote. In October 2014, a federal judge found 600,000 registered Texas voters do not have acceptable ID. Testimony showed African-American and Hispanic registered voters are two to four times more likely than white registered voters to lack photo ID. In North Carolina, data showed African Americans used early voting and same-day registration at much higher rates than whites.

In a *New York Times* op-ed on Thursday, Ari Berman, a political correspondent for *The Nation* magazine and author of the new book, “[Give Us the Ballot: The Modern Struggle for Voting Rights in America](#),” describes how the VRA has faced opposition since its inception, but says the crisis of voter disenfranchisement has escalated dramatically over the last fifteen years:

The backlash entered a new phase after the 2000 election, when a botched voter purge in Florida, while Jeb Bush was governor, disproportionately prevented African-Americans from voting and helped George W. Bush win the White House. The Bush administration reoriented the Justice Department, prioritizing prosecutions of voter fraud over investigations into voter disenfranchisement.

The push to make it harder to vote escalated after the Tea Party’s triumph in the 2010 elections, when half the states, nearly all of them under Republican control, passed new voting restrictions, which disproportionately targeted the core of President Obama’s coalition, particularly minority voters. The voting changes were subtler than those of the 1960s, camouflaging efforts to deter voting with laws that rarely invoked race, introduced with equal fervor in North and South alike.

What’s at stake, argue critics of the Right’s more recent voter-suppression tactics, is nothing short of American democracy itself.

“Democracy is not a state,” write Rep. Lewis and Sen. Patrick Leahy (D-Vt.) in an [op-](#)

[ed](#) published Thursday in the *Los Angeles Times*. “It is an act, and each generation must do its part to move this nation toward a more perfect union. There is no power more fundamental to democracy than the right to vote.”

As part of their effort to restore voting rights, Lewis and Leahy introduced the Voting Rights Advancement Act in June. If enacted, the law would restore the vital protections lost in the *Shelby* decision. “As legislators,” they write in their op-ed, “we must see the changes to voting rights sweeping the land as a call to action. [...] On this 50th anniversary, rather than pay tribute to the act’s original passage, we must fight for its restoration.”

In a similar vein, Sen. Bernie Sanders, the Independent from Vermont now running for the Democratic presidential nomination, on Thursday championed the importance of the VRA while also touting a pair of new bills he introduced on Wednesday which seek to expand voter participation.

One of the two bills would require states to automatically register all eligible individuals to vote when they turn 18 years old, a proposal which has garnered the support of various voter advocacy organizations and labor unions, including the Brennan Center for Justice, Dēmos, Common Cause, the Communications Workers of America, and others.

The second bill would establish Election Day as a national holiday as a way to improve poll access and voter turnout. “We should be doing everything possible to make it easier for people to participate in the political process,” said Sanders. “Election Day should be a national holiday so that everyone has the time and opportunity to vote.” Such a holiday would not “be a cure-all,” Sanders acknowledged, but said it would show a renewed “national commitment” to voter engagement and foundational principles.

“If we believe in a vibrant democracy,” he said, “we want to have the highest voter turnout in the world.”

Acknowledging the profound need for a new slate of voting rights laws, Berman is among those lamenting how current political conditions in Washington, D.C. are making legislative progress nearly impossible. Referencing the joint bill introduced by Lewis and Leahy, Berman said that in the nearly two months since it was first filed, the bill has gone nowhere fast.

“On the 50th anniversary of the Voting Rights Act,” he wrote, “Congress won’t even schedule a hearing.”

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