Voting Rights Act Under Threat Amid Broadening Attacks on African Americans

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Forty-eight years after the passage of the Voting Rights Act of 1965, the Supreme Court is currently deliberating the enforcement provision of the historic legislation known as Section 5. The provision requires that any changes proposed by "covered jurisdictions" must go before a three-judge federal panel in Washington D.C. before being certified by the Justice Department.

This provision is being challenged by authorities in Shelby County, Alabama where election officials claim that the law is no longer relevant because the South, where the struggle emerged that resulted in the passage of the bill, has changed over the last five decades. Alabama was the center of the protracted voting rights campaign during 1963-65, which culminated in the march from Selma to Montgomery in March 1965.

On March 7, 1965, six hundred African Americans attempted the first Selma to Montgomery march when they were halted, beaten, teargased and driven back across the Edmond Pettus Bridge. Dozens of people were injured and the brutality of the Alabama state police and Dallas County sheriff deputies was captured by the national media prompting embarrassment by the federal government and outrage among African Americans and their allies throughout the South and across the United States.

The demonstration was attempted in response to the Alabama state police shooting death of Jimmie Lee Jackson, 26, who after a night march in Marion, Alabama on February 18, attempted to protect his mother from a vicious law-enforcement attack. The police officer involved was not charged at the time and it would be over four decades in later (2007) before he pled guilty to a lesser charge than murder involving the incident.

Another attempt to cross the bridge was carried out by two thousand people led by Dr. Martin Luther King, Jr. and Ralph Abernathy two days later on March 9. This demonstration was halted as well by state police.

The march leaders on March 9 turned the crowd around and headed back to Brown's Chapel in Selma. They were awaiting a decision by the federal district court on whether they had a constitutional right to march as they had been denied by the-then Gov. George Wallace.

After the second attempted march across the bridge on March 9, three clergymen from various northern cities were attacked by white hoodlums in Selma. Rev. James Reeb was hit by a club and later died from his injuries.

Eventually the U.S. District Court granted an order to conduct the march and President Lyndon B. Johnson federalized the Alabama National Guard to provide security for the

demonstrators. Tens of thousands traveled to the area from around the region and the country.

The marchers arrived in Montgomery safely on March 25 although the Ku Klux Klan murdered a Detroit woman, Viola Liuzzo, while she was transporting activists in the aftermath of the demonstration. It was revealed years later that a Federal Bureau of Investigation (FBI) informant, Gary Rowe, was present in the vehicle from which the shots were fired that killed Liuzzo, who was the wife of a Teamster leader.

Section 5 Debated Before Supreme Court

The recent challenge to Section 5 of the Voting Rights Act was debated before the U.S. Supreme Court on February 27. Justice Anthony Scalia commented during the arguments that the continued existence of the enforcement provision constituted "the perpetuation of racial entitlement."

These remarks drew the ire of millions across the U.S. Scalia stated that Congress was cowed in 2006 to extend re-authorization of the Voting Rights Act.

"I don't think there is anything to be gained by any senator to vote against continuation of this act. They are going to lose votes if they do not reenact the Voting Rights Act. Even the name of it is wonderful—the Voting Rights Act. Who is going to vote against that in the future?" (rawstory.com, March 1)

U.S. Congressman John Lewis of Georgia, who at the time of the Selma to Montgomery march was the chairman of the Student Nonviolent Coordinating Committee (SNCC), and was severely beaten by Alabama cops on March 7, expressed his shock and dismay at Scalia's remarks. Justice Sonya Sotomayor, appointed by President Barack Obama, and the only Puerto Rican on the Supreme Court, challenged Scalia comments.

The elimination of Section 5 would virtually leave the Voting Rights Act meaningless. Already numerous voting districts have been allowed to "opt out" of the provision.

According to allvoices.com, "If the Supreme Court decides in favor of Shelby County, the state of Alabama will be able to change its voting laws without first getting approval of the Department of Justice. In addition to implementing strict new voter ID laws, Alabama would be free to unilaterally create a variety of barriers to voting rights that it could claim are not discriminatory against black voters, despite appearances to the contrary." (February 25)

This same article goes on to note that in Florida during 2012, "Gov. Rick Scott decided to eliminate early voting on the Sunday before Election Day, which is traditionally the day African American churchgoers board 'Souls to the Polls' buses that take them to vote. With no obvious reason to cut early voting on that particular day, critics called Scott's move a deliberate effort to target and suppress the African American vote."

Continuing on this same argument, the article says "If Alabama wins its case lawmakers would be exempt from Section 5 provisions. This would enable them to limit or end early voting hours, enact strict voter ID laws, as well as be free to redraw congressional district lines."

Process Well Underway in Michigan

Although the Voting Rights Act grew out of the struggles against southern segregation and racism, northern cities were not exempt from this policy in the past as well as today. The city of Detroit and the entire state of Michigan has been subjected to legislation which has denied voting rights to nearly half the African American population.

The passage of Public Act 4 during 2011 by a majority of extreme right-wing Republican legislators enabled Gov. Rick Snyder to impose what is called "emergency management" on municipalities. A petition campaign during 2012 put this issue on the ballot in the fall when it was defeated.

Nonetheless, the right-wing state house and senate passed another bill, along with other conservative legislation such as right-to-work, therefore nullifying the vote of the people of the state. Emergency Managers have already been appointed in numerous African American cities such as Benton Harbor, Flint, Highland Park, Ecorse and Flint.

In Detroit, the public school system is under emergency management and was placed there by former Democratic Gov. Jennifer Granholm. On March 1, Snyder declared Detroit to be in a "financial emergency" almost ensuring that an emergency manager will be appointed in a city that is more than85 percent African American.

The appointment of an emergency manager would prohibit the ability of Detroit's residents to elect officials with legislative and administrative authority. These actions are being taken under the guise of an economic crisis, which in fact is the result of the predatory mortgage and municipal bond lending of the banks and rating agencies.

Consequently, the Voting Rights Act in effect is being eliminated in Michigan. There are attempts underway to challenge Snyder's efforts.

The banks are saying that Detroit is obligated to pay over $14 billion in long term debt. The Moratorium NOW! Coalition to Stop Foreclosures, Evictions and Utility Shut-offs has also called for a halt to the payment of debt-service on what they describe as fraudulent loans and bond issues.

The Moratorium NOW! Coalition has filed suit under the Freedom of Information Act (FOIA) to obtain contracts and other documents related to these loans and bond issues. The City of Detroit so far has not responded by turning over the documents and a judgment of default will be sought in the next few days.

The challenge to the Voting Rights Act Section 5 is reflective of the ongoing phenomenon of racism and national oppression in the U.S. Social justice, civil rights and all progressive organizations must recognize these moves for what they are: an attempt to set back the clock in order to better facilitate the oppression and exploitation of people of color and all working class people throughout the country.

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