

Turning the clock back on voting rights

Written by Julianne Malveaux, NNPA Columnist
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Shelby County, Ala. is suing the Justice Department because they think that Section 5 of the Voting Rights Act of 1965 (and its reauthorization in 1982 and 2006) is unfair. The facts: The small city of Calera redistricted its boundaries in a way that the sole African American councilman lost his seat. Section 5 of the Voting Rights Act forced a new election with different boundaries, and Ernest Montgomery regained his seat.

Shelby County (which includes parts of Birmingham) objects to the provision of the Voting Rights Act that requires that areas with histories of past discrimination have changes to voting laws and boundaries monitored by the Justice Department. This would include many southern states, as well as areas, such as Alaska, that have historical discrimination against Native people, and Texas and parts of California, that have historic discrimination against Latinos. They say that it's all equal now and there is no need to monitor them.

Not surprisingly, conservatives and the Attorney Generals of several affected states have filed *amicus*

briefs to support

Shelby County

. These include the states of

Alabama

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Alaska

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Arizona

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Georgia

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South Carolina

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South Dakota

, and

Texas

. Additionally the usual suspects such as the Conservative Legal Defense Fund, the Cato Institute, the Pacific Legal Foundation and the Southeast Legal Foundation, among others, have lined up to support Shelby. It is not surprising that the conservative Project 21, nominally an African American organization, has lined up to support

Shelby

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It is more surprising that the National Black Chamber of Commerce has filed an *amicus* brief. I'd be most interested in leaning where the Black Chamber polled its membership before filing this brief. If I were a member, I'd have to cancel my membership. If my dues were used to support that nonsense, I'd be repelled. I guess it just goes to show that "everybody brown ain't

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down”, and raises questions about this organization.

Many suggest that Section 2 of the Voting Rights Act means there is no need for Section 5. While Section 2 allows lawsuits, it forces plaintiffs to show that changes in voting provisions are motivated by “invidious practices.” Section 5 says that those who are known to have engaged in such practices are required to have the Department of Justice review them.

If our nation had never chosen to implement the 14th and 15th Amendments to the Constitution, there would have been no need for the Voting Rights Act. The Fourteenth Amendment actually states that state population decides the number of Congressional representatives, but if enough people are denied the right to vote, Congressional representation should be reduced. This provision has never been enforced, even when the whole Black population in some southern states could not vote.

The Fifteenth Amendment prohibits denying the right to vote based on race, color, and previous condition of servitude, and authorized Congress to enforce this amendment with the appropriate action and legislation. Until 1876, federal troops enforced the right that African Americans had to vote, spurring an unprecedented level of African American civic participation. Because the African American population (and number of voters) was greater than the number of Whites in Mississippi, Louisiana and South Carolina, African Americans were elected as lieutenant governors, secretaries of state and treasurers (not to mention Gov. Pinchback of Mississippi, who served a scant two months and was denied seats he was elected to in the Senate and to Congress). Additionally 16 African Americans served in Congress – two in the Senate and 14 in the House of Representatives. No wonder some were eager to nullify the Fifteenth Amendment. Federal troops were withdrawn from southern states in 1877; in 2013, 136 years later, southern states are asking that voting protection be withdrawn from their states.

Why? Just as the election of 16 African American legislators alarmed the South, so has the election and reelection of President Barack Obama alarmed our nation. His election reminds us all of the power of the vote, and emboldens those who would limit it. That’s why several states have passed voter ID legislation requiring people to have an official government ID in order to vote. That’s why a 102-year-old Black woman waited more than six hours to vote. That’s why some states have consolidated voting places, making people travel further and wait longer to vote. We don’t have poll taxes anymore (although forcing people to travel more than an hour and wait more than an hour is an implicit poll tax), nor do voters have to take a fitness test, so the means of voter suppression have been both more and less subtle. It reminds us of why we had the Fourteenth and Fifteenth Amendments, and in our nation’s failure to implement, the Voting Rights Act.

The court heard these arguments on Wednesday, February 27. We must be alarmed and, if we live in states that filed *amicus* briefs, aware of those who would suppress our vote.

Julianne Malveaux is a Washington, D.C.-based economist and writer. She is President Emerita of Bennett College for Women in Greensboro, N.