

□ Voting rights advocates face uphill battle

Written by Freddie Allen, NNPA Washington Correspondent
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WASHINGTON (NNPA) – In the aftermath of the Supreme Court's 5-4 ruling in *Shelby County v. Holder*

striking down section 4 of the Voting Rights Act of 1965, civil rights organizations and voting rights advocates are preparing to battle against an expected the avalanche of new voting laws that threaten to wipe out the incredible gains ushered in the passage of the 1965 Voting Rights Act.

The ruling effectively ended voting rights protections under section 5, forcing Congress to update the coverage formula that required nine states and the counties and jurisdictions in six other states to preclear any changes to state and local voting laws with the Justice Department or a federal court.

Writing the majority opinion for the Supreme Court's decision, Justice Anthony Kennedy acknowledged that "voting discrimination still exists," but challenged the relevancy of the section 4 coverage formula originally crafted nearly 50 years ago. However, Congress has extended the law for times, saying it is still needed.

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Hours after the Supreme Court decision, state officials in Texas and South Carolina announced that they were moving forward with new voting regulations that civil rights groups say will disproportionately disenfranchise Black, Latino and poor voters.

"All the states and jurisdictions that were covered by section 5 utilizing the section 4 formula have now been released, said Hilary Shelton Washington, D.C. bureau chief of the NAACP. "So [those states] can go ahead and make all those changes that the Justice Department has blocked over the years."

In a June 2013 study released a few weeks before the *Shelby County v. Holder* decision, a Brennan Center for Justice report stated, "In the most recent legislative session and as of April 29, 2013, 28 restrictive voting bills⁶⁵ were introduced in the states that are covered, wholly or in part, by Section 5.

Two have already passed, and 17 are still pending as of June 10, 2013. The bills introduced include, for example, a strict photo identification requirement in Virginia, restrictions on early voting and same-day registration in North Carolina, and a South Carolina bill requiring documentary proof of citizenship to register to vote."

Kimberlé Crenshaw, co-founder of the African American Policy Forum, a civil rights think tank that works to advance racial justice in the United States and abroad, said that the Supreme Court's decision wasn't about facts, or even about proof of ongoing voter discrimination in the once-covered states.

Crenshaw said that the Supreme Court decision was about one thing – ideology.

"It's like building a dam to keep the lowlands from flooding and for 40 years the lowlands don't flood and then deciding that you don't need the dam anymore," said Crenshaw.

Civil rights and voting rights advocates want all voters to be prepared and vigilant when it comes to restrictive bills that pop up across the country, such as voter ID laws, proof of citizenship requirements, bans on Sunday voting, attempts to purge naturalized citizens from the rolls, the elimination of same-day registration and cuts to early voting periods.

"All these policies are aimed at making it harder to vote for people of color," said Judith Browne Dianis, co-director of the Advancement Project.

Voting rights advocates now will also lean heavily on section 2 of the Voting Rights Act, but most admit that many laws will go into effect and lawsuits may not come fast enough.

"In essence this decision says that 'discrimination is still real and must still be challenged,' but rather than address the issue on the front end as preclearance allows. [The Supreme Court] says, 'Let it happen. Let's allow elections to go forward knowing that discrimination exists,'" said Rev. William J. Barber, president of the North Carolina State Conference of the NAACP.

When Congress extended the Voting Rights Act in 2006, it passed the House on a vote of 390-3

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and the Senate 98-0. But given the current bickering, many worry whether repairing the damage created by the recent decision is possible.

"The Supreme Court has vacated its authority and handed it over to a Congress that has been dysfunctional and unable to take decisive actions on the key moral issues of our time," said Gihan Perera, executive director of the Florida New Majority, a grassroots civil rights organization.

The Department of Justice has also pledged to step up its efforts to protect voters.

In a statement shortly after *Shelby* decision was released, the Attorney General Eric Holder said that even though our country has changed for the better since 1965, we still haven't reached the destination that we seek.

"We will not hesitate to take swift enforcement action using every legal tool that remains to us against any jurisdiction that seeks to take advantage of Supreme Court's ruling by hindering eligible citizens full and free exercise of the franchise," said Holder. "Although today's decision represents a serious and unnecessary setback, the Justice Department remains committed to moving forward in manner that is consistent with the arc of American history which has always been a story of increasing equality inclusion and access to the franchise This is what makes America truly exceptional and this is what we will zealously guard."

For some civil rights groups, restoring section 4 of the VRA, won't solve the myriad problems in a system that allows "13,000 voting jurisdictions in this country that run elections 13,000 different ways."

"Under this confusing, patchwork system, the freedom to vote is left to mercy of state officials. It doesn't make sense to have a system where every jurisdiction can make up its own rules," said Rashad Robinson, executive director for ColorOfChange.org, an organization that advocates for social and political change in the Black community. "It only serves to make it easier for politicians to manipulate the system for political gain."

The movement for access to the ballot must continue, said Crenshaw, the law professor at UCLA.

"The movement has to go beyond just restoring the status quo," said Crenshaw. "It has to go, not just go to broadening political participation, but to the well-being of segments of our community who have taken a tremendous hit during [The Great Recession]."

Crenshaw added that with civil rights groups and voting rights advocates can utilize the tools of the day to gain unique and direct access to a broad majority of a diverse electorate through pop culture and hip hop music.

"When they saw people like Marlon Brando and Harry Belafonte and Muhammad Ali jump behind the Civil Rights Movement, that brought millions of people on board it gave them the sense of what was right and wrong about their current condition," said Crenshaw. "It was

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responsible and just and cool to be involved in social justice."

Crenshaw continued: ""How much more can we hear about getting paid? What about getting real and getting involved for this generation and the next?"