

Journal of Civil Rights and Economic Development

Volume 28
Issue 1 *Volume 28, Summer 2015, Issue 1*

Article 2

Prologue

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COMMEMORATING THE 50TH ANNIVERSARY OF THE VOTING RIGHTS ACT: TIME TO CELEBRATE OR MOAN

PROLOGUE: PRESIDENT PAMELA J. MEANES

Our nation and the African American community are at a critical point. While as a country we have made significant progress in the area of the civil rights — especially in the past 60 years — and though we are halfway through the second term of our first African American president, challenges remain.

Affirmative action is under attack; we've seen a growing movement to require voters to present photo IDs in order to vote, and the nominations of judges of color are frequently being frozen. Unfortunately, at the center of these challenges is an erosion of civil right laws, such as the Voting Rights Act of 1964.

HISTORICAL PERSPECTIVE

The Law, in its many forms – the Declaration of Independence, the Constitution, Supreme Court decisions, state law, and criminal codes - has played a critical role in defining the basic human principles of citizenship and equal opportunity in American.” Unfortunately, prior to the Civil Rights Movement of 1955-1968, for African Americans and other people of color, the law was the primary source of inequality in America.

In an effort to change this dynamic, various civil right organizations employed conventional strategies, such as litigation and lobbying, to abolish discrimination against African Americans. Frustrated that these tactics were not yielding any real results, civil rights leaders adopted a dual strategy of *direct action and civil disobedience*, including boycotts such as the Montgomery Bus Boycott (1955-1956); sit-ins like the Greensboro Sit-In (1960) in North Carolina; and protest marches, as exhibited by the Selma to Montgomery marches (1965) in Alabama. These acts captured world attention and exposed America's hypocrisy: her ability to advocate for justice of others around the world but inability and refusal to give it the very individuals who helped build America herself.

This dual strategy of direct action and civil disobedience was successful and resulted in legislative reform. Some of the most notable achievements of the Civil Rights Movement (1955-1968) are:

1. the legal victory in the **BROWN v. BOARD OF EDUCATION (1954)** case that overturned the legal doctrine of “separate but equal” and made segregation legally impermissible;
2. passage of the **Civil Rights Act of 1964**, that banned discrimination in employment practices and public accommodations;
3. passage of the **Voting Rights Act of 1965**, that safeguarded blacks’ suffrage;
4. passage of the Immigration and Nationality Services Act of 1965, which dramatically changed U.S. immigration policy; and
5. passage of the Civil Rights Act of 1968 that banned discrimination in the sale and/or rental of housing.

The *Brown* decision coupled with these four (4) pieces of sweeping legislation ushered in a new era for the civil rights movement. For the first time, African Americans were able to present and cash the equality check that America had issued but refused to cash. More importantly, “hotels and restaurants could not discriminate against blacks; employers had to end job discrimination based on race; the federal government could sue school systems that refused to desegregate. By allowing the federal government to sue, private citizens no longer suffered the burden of having to litigate civil rights violations.” In addition, “literacy tests were declared illegal if fewer than 50 percent of all voting-age citizens were registered to vote, and archaic voter requirements, including a well-known Mississippi law, were outlawed. That Mississippi law required all prospective black voters to have their names published in the paper for two consecutive weeks before registering to vote, virtually ensuring economic reprisals for those who wanted to register.”

THE VOTING RIGHTS ACT OF 1965

March 7, 2015 marked the 50th anniversary of the historic Selma-to-Montgomery March, also commonly known as “Bloody Sunday.”

On March 7, 1965, state troopers brutally beat peaceful marchers as they attempted to cross the Edmund Pettus Bridge in Selma, Alabama as they sought to end discriminatory voting restrictions and tactics. This attack, coupled with the murder of voting-rights activists in Mississippi in 1964, gained national attention and helped build momentum for passage of the Voting Rights Act on August 5, 1965.

According to the U.S. Department of Justice, the Voting Rights Act of 1965 is considered to be the most effective piece of civil rights legislation ever passed by Congress. President Lyndon Johnson signed the Act into law on August 6, 1965. Designed to enforce the voting rights guaranteed by the Fourteenth and Fifteenth Amendments of the United States Constitution, the Act prohibited racial discriminatory voting practices such as poll taxes and arbitrary literacy tests utilized by many southern states to prevent African Americans from voting. To enforce the Act, the U.S. Attorney General was authorized to dispatch hundreds of federal examiners to register voters in the south. In the end, the Act was successful, impactful and historic. By the end “. . . of 1965, approximately 250,000 African Americans were newly registered voters. During the next three years, more than 700,000 blacks would exert political influence by registering to vote. For the first time since The Reconstruction, blacks were moving back to the south, organized and ready to make a political difference.” Congress later amended the Act five times to expand its protections.

TO EVERYTHING THERE IS A TIME AND SEASON

As thousands gathered in Salem, Alabama this March to commemorate and celebrate the 50th Anniversary of Bloody Sunday and the Voting Rights Act, many questioned whether there was really anything to celebrate. During his remarks, President Barack Obama stated, “Fifty years from Bloody Sunday, our march is not yet finished. But we’re getting closer.” However, are we getting closer or moving farther behind? Is this 50th Anniversary a time to commemorate and celebrate or conversely, to commemorate and moan.

To commemorate means to: 1) exist or be done in order to remind people of (an important event or person from the past); or 2) do something special in order to remember and honor (an important event or person from the past. To celebrate means to: “1) do

something special or enjoyable for an important event, occasion, holiday; 2) praise (someone or something); or 3) say that (someone or something) is great or important. While to moan is a: 1) long, low sound that someone makes because of pain, unhappiness, or physical pleasure; 2) long, low sound; or 3) complaint about something.

Traditionally, a 50th Anniversary is known as the golden anniversary. Gold symbolized longevity, strength, optimism and wealth. Recent court decisions and legislation could one to reasonably conclude that this is a time to commemorate and moan. For there is nothing golden or optimistic about the erosion of voting rights, a basic right.

Exactly what rights are being eroded? Several states have passed stringent voter ID laws after the United States Supreme Court struck down Section 5, a key provision of the Act, in 2013. “With a 5-4 Supreme Court ruling, Chief Justice John Roberts wrote that the Voting Rights Act formula used to determine which parts of the country would need federal approval — known as preclearance — to change their voting procedures was outdated. The court instructed Congress to write a new formula that was reflective of current conditions, but Congress has yet to act.” Since the court ruling, legislatures — including those in North Carolina, North Dakota, Pennsylvania, Texas and Wisconsin — have passed measures that require voter ID or proof of citizenship and have reduced early voting days and poll locations. In essence, these court decisions and legislation have made it “harder” not “easier” to exercise the hard-won and very dear, basic American right to vote. These laws were designed to — and in fact, have — disenfranchised countless African Americans who should be able to vote for the candidates and issues of their choice.

Prior to the 2014 mid-term elections, the ACLU filed a federal lawsuit challenging the constitutionality of Wisconsin’s Voter ID law. On October 9, 2014, the U.S. Supreme Court blocked implementation of the law on the grounds that implementing the law so close to a general election date would prove problematic and an unreasonable obstacle to voting. The Court noted that some municipal clerks’ offices had already sent out absentee ballots with no instructions stating that voters would be required to present a valid, government-issued photo ID.

While the U.S. Supreme Court blocked the law, it did not come to any conclusions about the constitutionality of this law. Accordingly, unresolved questions of the constitutionality of voter ID sets the stage for future debate on the issue, and experts agree the legal struggle will likely continue, especially in states such as Kansas, Texas, Indiana, Tennessee, Mississippi, Georgia and Virginia, which have some of the strictest laws requiring a government-issued photo ID.

After its passage and enforcement, the Voting Rights Act added voters to the voting rolls. Now, we see the emergence of measures that are designed to decrease and remove voters – African American voters in particular — from the voter rolls.

So, have we made progress? If so, is it sustainable? Are there lessons to be learned from the past 60 years and the news of today?

I believe the answer to each of the above questions is the same: Yes.” But, at the same time, we must acknowledge that this is not a journey to a destination. Rather, protecting the voting rights of African Americans and other minorities must be part of an ongoing effort. We must be vigilant. We must work to protect these rights.

One final thought. Certainly, the struggles that African Americans have experienced throughout American history are of vital importance to me and to all African Americans. Certainly, we must always remember, and must remain vigilant in the protection of our precious rights. Certainly, we must do so in order for our voices to be heard and to “have a seat at the table” in our nation’s future. But I also see those efforts in greater context, and of importance to those beyond our community. Remember this: if the voting rights of African Americans can be impaired or restricted, so too can the voting rights – or other rights – of any American. So, let us stand up, for our community, and for all Americans, and let us say “no” to the denial of the basic freedoms and certain inalienable rights with which all Americans were endowed by their Creator.

