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A Half Century Later, We Need the Voting Rights Act More Than Ever

Abstract

Two years ago, the Supreme Court determined that voter discrimination is a thing of the past. The Court's decision to gut the 1965 Voting Rights Act ensures that this summer's 50th anniversary commemoration is an ironic one.

We needed the legislation in 1965, the Court argued in its 2013 decision in *Shelby County v. Holder*, which struck down the formula that made the act enforceable, but we don't anymore. [*excerpt*]

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A Half Century Later, We Need the Voting Rights Act More Than Ever



President Barack Obama embraces Attorney General Loretta Lynch, with Rep. John Lewis, D-Ga., after the president spoke in the South Court Auditorium in the Eisenhower Executive Office Building on the White House complex in Washington, Thursday, Aug. 6, 2015, on the 50th anniversary of the Voting Rights Act. (AP Photo/Carolyn Kaster)

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By: Jill Ogline Titus

Two years ago, the Supreme Court determined that voter discrimination is a thing of the past. The Court's decision to gut the 1965 Voting Rights Act ensures that this summer's 50th anniversary commemoration is an ironic one.

We needed the legislation in 1965, the Court argued in its 2013 decision in *Shelby County v. Holder*, which struck down the formula that made the act enforceable, but we don't anymore.

In the two years since *Shelby County*, our chronically-divided Congress has struggled to put forward an effective response to the Court's ruling. Bills have been introduced, but failed to gain traction, due in large part to obstruction by ranking Republicans.

Most recently, Sen. Patrick Leahy, D-Vt., and Rep. John Lewis D-Ga, have introduced the Voting Rights Advancement Act of 2015, but like the bills that have come before it, it has **little chance of getting past committee**, let alone being enacted into law.

Congressional complacency in the face of the need for action can only be maintained by discounting recent history.

America still needs the Voting Rights Act in 2015. We will continue to need it until we as a nation commit ourselves to vigorously protecting the rights of all citizens – including those lacking money, power, and influence – to exercise their voice in a democracy.

When Congress passed the 15th Amendment in 1870, it mandated that the right to vote cannot be denied on basis of race, color, or previous condition of servitude. Black men seized upon the amendment's promise, but white resistance set in quickly.

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However, even at the height of Jim Crow, black Americans never stopped agitating and organizing around the vote.

In the wake of countless grassroots campaigns, in the summer of 1965 the White House threw its weight behind unprecedentedly tough voting rights legislation.

The central provision of the Voting Rights Act was a "trigger" formula mandating that localities which had voter registration rates below 50 per cent must immediately suspend literacy tests and other voting restrictions.

The Act also gave the attorney general discretion to appoint federal personnel to register voters in areas subject to the trigger formula, and forbade these localities to make changes to their electoral practices without having them pre-cleared by the Justice Department or the federal courts.

Although violence and obstruction continued nearly unabated in some areas, and federal officials at first were hesitant to enforce these provisions, by the end of 1965, more than a quarter of a million new black voters had registered. The numbers continued to climb over the next few years, leading to a revolution in American politics.

The Court's decision in *Shelby County* was based on the assumption that this revolution was complete, that the protections outlined in the VRA were obsolete and the regions covered by preclearance were no more likely to engage in voter discrimination than any other parts of the country. But none of these things are true.

In the wake of the Court's decision, southern states were able to move forward with dramatic changes to voting and election law, including measures that had been previously blocked as discriminatory under the preclearance process. As documented by the Brennan Center, within a year of the Court's decision, two-thirds of the states that had been covered by preclearance introduced **new restrictive legislation that would disproportionately affect citizens of color.**

Voter discrimination is certainly not limited to the South. In recent years, **new voting restrictions have been implemented in almost every state in the nation**, based largely on the premise that these changes would guard against voter fraud, which, **despite widespread public perception to the contrary, is extremely rare.**

As we approach the momentous anniversary confronting us in August, we must not let it pass without launching a grassroots campaign to restore the effectiveness of the VRA. The **Voting Rights Advancement Act of 2015** offers a clear and coherent formula for triggering preclearance, one that conforms to the Court's direction without watering down the protections offered. It is imperative that this bill become law.

We still need the Voting Rights Act in 2015, and there is no better way to honor the legacy of those who fought to secure it than to restore its power to combat discrimination by passing the Voting Rights Advancement Act.

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http://www.pennlive.com/opinion/2015/08/a_half_century_later_we_need_t.html