

The Voting Rights Act at Forty

Today is the Fortieth Anniversary of Voting Rights Act. Five months after witnessing the brutal beating of non-violent civil rights marchers in Selma, Alabama, President Lyndon Johnson signed the landmark Voting Rights Act into law on August 6, 1965. In the four decades since its passage, the act has come to be regarded as one of the most successful civil rights laws in our nation's history, and with good reason.

Prior to its enactment, there were fewer than 300 African Americans in public office nationwide, with virtually none elected anywhere in the South. Today there more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. As a result of the language assistance provisions of the act, Latinos, Asians, Native Americans and Alaskan Natives who had been excluded from the voting process gained important legal footing to ensure equal access to the ballot box. Today there are 6,000 appointed or elected Latino public officials nationwide, 27 in Congress.

Despite its effectiveness, many state and local governments have continued to erect barriers to minority political participation. As a result, Congress has voted no fewer than four times since 1970 to extend key parts of the law that are set to periodically expire. These actions were endorsed by Presidents Nixon, Ford, Reagan and George H.W. Bush, each of whom signed the renewed provisions of the Voting Rights Act into law.

On approving the 1982 extension, President Ronald Reagan called the right to vote the "crown-jewel" of American liberties. In July of this year, Congressman James Sensenbrenner (R-WI), chairman of the House Judiciary Committee, told the 96th Annual Convention of the NAACP in Milwaukee that "the Voting Rights Act must continue to exist - and exist in its current form." Sensenbrenner further pledged to introduce bi-partisan legislation to extend the act for another 25 years. "We cannot let discriminatory practices of the past resurface to threaten future gains," the Chairman declared. This is good news.

In view of the history of discrimination that minorities have experienced when voting, and the proven effectiveness of the Voting Rights Act, Congress should follow the Chairman's lead and:

1. Renew the Section 5 pre-clearance requirements for 25 years, which is what Congress did during its last reauthorization, back in 1982. These provisions directly impact nine states - - South Carolina included - - with a documented history of discriminatory voting practices and local jurisdictions in seven others by requiring them to submit planned changes in their election laws

or procedures to federal officials or the federal court in Washington, D.C. for pre-approval. In these targeted areas, which are primarily in the South, but also include all of Alaska and Arizona, as well as parts of California and New York, government officials bear the burden of proving that the proposed voting change is not discriminatory. A bipartisan Congressional report in 1982 warned that without this provision, discrimination would reappear "overnight."

2. Renew the language assistance provisions of Section 203 for 25 years so that new citizens and other Americans who are limited in their ability to speak English can continue to receive assistance when voting. Prior to the enactment of Section 203 in 1975, language minorities lacked essential tools to ensure fundamental fairness in voting. These provisions were renewed in 1982 and 1992 and now impact some 466 local jurisdictions across 31 states.
3. Renew Sections 6 to 9, which authorize the attorney general to appoint election monitors and poll watchers.
4. Provide for the recovery of expert fees in voting rights litigation. Currently these fees cannot be recovered, making the high cost of complex voting rights litigation prohibitive for many.
5. Enact language to repair the damage done by two narrowly decided U.S. Supreme Court decisions involving voting rights cases in Louisiana and Georgia which fundamentally weaken the administration of Section 5 the Voting Rights Act.

At a time when America has staked so much of its international reputation on the need to spread democracy around the world, it is essential that Congress reauthorize the expiring provisions of the Voting Rights Act to ensure the vitality of democracy here at home.

For us in South Carolina there is much work to be done. After the Voters' Rights Reauthorization Conference in Washington, D.C., I met with James Galyean, Chief of staff to Senator Lindsay Graham. Galyean stated that while the Senator was in favor of reauthorization, he felt that it should not be for as long as 25 years - - his analogy was that the size of the problem is not as large as it once had been. As to Section 203, the Senator is wholly unsympathetic because American citizens ought to speak English.

I call on all ACLUSC members to make our senators and representatives aware of specific examples of how pre-clearance acts as a deterrent in South Carolina. When we do this, our representatives in Congress may cease taking the position that the remedy is bigger than the problem.