# US Supreme Court to consider challenge to 1965 Voting Rights Act

**Tom Carter**
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On Friday, the Supreme Court announced that it would consider a legal challenge to the 1965 Voting Rights Act.

The 1965 Voting Rights Act ranks among the most significant reforms that emerged from the upheavals of the civil rights period. The act overruled and abolished the myriad state laws designed to disenfranchise black voters in many Southern states, and established a strict regime of federal oversight for those areas of the country that had a history of discriminatory voting practices.

The Voting Rights Act followed on the heels of the 1964 Civil Rights Act, which outlawed racial segregation in schools, workplaces and other institutions. Martin Luther King, Jr. and Rosa Parks were in attendance when President Lyndon Johnson signed the act into law on August 6, 1965. Soon after its enactment, the Supreme Court ruled that the act was constitutional.

In the period leading up to the enactment of the act, demands for the abolition of the racist institutions maintained in the southern region of the United States won broad and determined support in the working class, both inside the United States and internationally.

One of the stricter provisions of the act, known as "Section 5," requires certain local authorities with a history of voter discrimination to obtain "pre-clearance" from the federal government before enacting any laws or regulations that pertain to voting. The purpose of Section 5 is to prevent those authorities from reenacting the antidemocratic legislation that existed before the passage of the act.

Since 1982, the "pre-clearance" provisions have been invoked more than 2,400 times to prevent state and local laws and regulations from being enacted, including several times in the run-up to last week's presidential elections.

In July of this year, the Voting Rights Act was successfully invoked on appeal to block a reactionary voter ID law in the state of Texas that could have prevented 1.5 million people from voting in that state. (See "Voting rights in America under attack") Similar legislation was recently blocked in Florida and South Carolina.

The Voting Rights Act has always been a thorn in the side of right-wing local administrations, particularly in the southern region of the US, and in recent years the attacks on the act have grown bolder. This year, the state of Texas argued through one of its attorneys that it should be free to enact literacy tests, which are strictly prohibited by the 1965 act.

In 2009, Supreme Court Chief Justice John G. Roberts stated that "things have changed in the South" and that he thought certain provisions of the Voting Rights Act raised "serious constitutional questions." Supreme Court commentators have generally understood this statement to mean that the court will welcome cases challenging the act.

The challenge to the Voting Rights Act accepted by the Supreme Court on Friday was brought by Shelby County, Alabama. The suit alleges that legislation signed into law in 2006 by President George W. Bush reaffirming and reauthorizing the Voting Rights Act was unconstitutional because the problems that the act sought to address have already been cured. Naturally, a decision on the constitutionality of the Voting Rights Act would affect not just that county in Alabama, but tens of millions of voters throughout the South. Naked short-term political interests are no doubt in play, as the direct beneficiary of any weakening of the Voting Rights Act would be the Republican Party, and, in particular, its various Southern groupings.

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The emerging pretext for weakening or abolishing the Voting Rights Act—namely that "things have changed" and that voting rights are more or less secure—should be viewed with the deepest skepticism. Voting rights in the US are, in fact, under mounting attack, as documented by a recent *World Socialist Web Site* report: "The 2012 elections and the assault on voting rights in the US".

Reactionary "Voter ID" laws such as were recently passed in the state of Indiana threaten to disenfranchise millions of voters. Meanwhile, restrictive ballot access laws in effect in many states limit access to the ballot to those parties with millions of dollars to spend petitioning and litigating in court. Parties fortunate enough to secure ballot access return the following election to find that the ballot access requirements have been raised.

In all, 13 Republican congressmen retained their seats in last week's elections because they were the only candidates on the ballot.

The borders of congressional districts are redrawn almost every year (a process known as "gerrymandering"), resulting in voting districts with absurd spaghetti-like shapes. Many people in the recent elections went to the same polls they visited in previous years only to discover that they were now voting in a different district.

Last week's election, like many previous elections, was plagued with myriad troubles, and details are still emerging of voter intimidation, malfunctioning voting machines, confusing directions, misleading automated phone calls (voters were reminded on election day to "vote tomorrow"), discouraging long lines at the polls (four hours in one area of Detroit), and official results at odds with exit polls.

In one cellphone video posted on YouTube, a voter repeatedly attempts to cast a vote for Obama using a touchscreen voting machine, but even though the voter's finger clearly touches Obama's name, the screen repeatedly selects Romney's name instead.

A decision by the Supreme Court overturning or weakening the Voting Rights Act would open the floodgates for antidemocratic and discriminatory laws and regulations to be enacted at the local level around the country, and would constitute a further blow to democratic legal protections won by the working class in earlier struggles. Most importantly, such a decision would add momentum to the campaign by the ruling class to strip down or eliminate all significant social reform legislation dating from the 20th century.

A decision in the case is expected by June.


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