

# The US Supreme Court's dismantling of the Voting Rights Act

Barry Grey  
27 June 2013

The decision handed down Tuesday by the Supreme Court effectively overturning the 1965 Voting Rights Act marks a major escalation in the legal and political assault on democratic rights in the United States.

The legislation enacted 48 years ago enforced the Fifteenth Amendment, which barred states from curtailing the right of African Americans to vote and authorized Congress to enforce the amendment's provisions. The Fifteenth Amendment represented in legal terms the consolidation of the democratic gains of the Civil War. However, it remained a dead letter across most of the American South for nearly a century.

There is a deep irony in the fact that Tuesday's ruling was handed down less than a week before the 150th anniversary of the Battle of Gettysburg, the decisive battle of the Civil War.

It took decades of struggle by the civil rights movement—part of an upsurge of social struggles that included the working class battles of the 1930s and 1940s that established industrial unions in America—and the death of many martyrs to the cause of equality to force the Johnson administration and Congress to enact the landmark legislation.

The Supreme Court decision targets the democratic rights not only of African Americans, but the entire working class. It removes a legal barrier to restrictions on the right to vote and encourages new efforts to curtail the franchise.

With consummate cynicism, Chief Justice John Roberts attempted to present his assault on the Voting Rights Act as a step, reluctantly taken, to pressure Congress to update the measure and bring it into conformity with present conditions. This pose of legalistic objectivity is belied by his role in the 1980s as President Reagan's point man in attempting to weaken the act.

By effectively discarding the law's enforcement mechanism, which requires Alaska and eight southern states, plus parts of seven other states, to pre-clear any changes in voting procedures with the federal government, Roberts gave these jurisdictions a green light to enact any changes they desire.

On the basis of sophistic arguments hardly intended to be taken seriously, the unelected head of an unelected court usurped the power of Congress, as set forth in the Constitution, to enforce the Fifteenth Amendment. Congress has repeatedly reauthorized the Voting Rights Act, most recently in 2006.

Roberts and his fellow reactionaries ignored not only the documentary record of discrimination, but the fact that over 700 proposed changes to voting procedures were rejected by the US Justice Department between 1982 and 2006, and an additional 31 have been blocked since 2006.

Associate Justice Ruth Bader Ginsburg took the unusual step of reading her dissent from the bench. Calling the majority decision an act of "hubris," she articulated what remains—desiccated and impotent—of liberal principles.

Three of the justices who signed onto Roberts' decision—Antonin Scalia, Anthony Kennedy and Clarence Thomas—were part of the 5-4 majority in the notorious 2000 *Bush v. Gore* decision, which halted vote-counting in Florida and installed George W. Bush, the loser of the popular vote, in the White House. The connection between Tuesday's ruling and that case is clear and direct. Both decisions employed specious arguments to deprive people of the right to vote.

The refusal of the Democratic candidate Al Gore and the Democratic Party to oppose the 2000 judicial coup signified the collapse of any serious commitment to democratic rights within the American ruling class.

The official response to the stolen election of 2000 has been an escalating attack on the right of workers, students and poor and unemployed people of all races to vote. Many states have passed voter suppression measures such as the requirement that voters present state-dispensed ID when they go to vote. Tuesday's Supreme Court ruling opens the floodgates for the proliferation of such measures, in the states covered by the Voting Rights Act and beyond.

Within hours of the ruling, Texas and Mississippi announced that they would immediately implement voter ID laws that had been blocked by the Justice Department under the pre-clearance provisions of the Voting Rights Act, and Texas indicated it would go ahead with a redistricting plan that had been rejected. South Carolina and Virginia are expected to proceed with their voter ID laws, and Florida with a plan to curtail early voting that was blocked in advance of the 2012 elections. Other measures certain to be enacted include restrictions on voter-registration drives.

Tuesday's ruling takes place in the context of the exposure of massive and illegal government spying on the population and the unity of the Democrats and Republicans in defending these police state programs, while witch-hunting Edward Snowden for exposing them. Likewise, the bipartisan support for President Obama's program of extra-judicial drone assassinations, including of US citizens, the continuation of torture and indefinite detention at Guantanamo and other locations, renditions and other flagrant violations of the Constitution.

It follows by only weeks the police-military lockdown of Boston and suspension of civil liberties following the still unexplained Boston Marathon bombings, which again has met with bipartisan support within the political establishment.

Roberts and his allies on the court counted on the fact that President Obama and the Democrats have no intention of waging a struggle to restore the Voting Rights Act. Obama issued a perfunctory statement on Tuesday saying he was "deeply disappointed" by the decision. Senator Charles Schumer of New York summed up the position of congressional Democrats when he said, "As long as the Republicans have a majority in the House and Democrats don't have 60 votes in the Senate, there will be no pre-clearance."

There is a strong element of political vengeance in the

majority decision. The arch-reactionaries on the court associate the Voting Rights Act with the last great period of struggles by the American working class.

What has changed in the intervening half century? This period has seen a continuous decay in the global economic position of the United States. That has been accompanied by a deterioration in the social conditions of the broad mass of the people, the gutting of one reform after another, a relentless assault on the jobs, wages and benefits of the working class, the virtual dismantling of basic industry, and a profound erosion of democratic rights.

Above all, the past fifty years have witnessed a staggering growth of social inequality.

With the gutting of the Voting Rights Act, the legal and political forms are being brought more directly into line with the decay of American capitalism and the ascendancy of a parasitic and criminal financial elite.

Democracy is incompatible with a system that breeds war and the concentration of wealth and power in the hands of a tiny elite. There is no section of the ruling elite that will defend democratic rights. That task falls to the working class.

The defense of democratic rights requires a struggle to reconstruct society on the basis of social equality and an economy geared to the public good, not private profit. This means the building of a mass socialist movement of the working class.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**