

US Supreme Court ruling sparks new attacks on voting rights

Ed Hightower
3 July 2013

Following last week's US Supreme Court ruling in *Shelby County v. Holder*, which as a practical matter overturned the landmark 1965 Voting Rights Act, a number of state legislatures have quickly moved to implement new voter ID laws and other measures aimed at curtailing the right of workers, poor people and minorities to vote.

The states of Texas, Mississippi, Alabama, South Carolina and Virginia have all announced the implementation of new measures that will have a discriminatory impact on minority and working class voters, as well as on students. Until the Supreme Court, in last week's 5-4 ruling, disabled the enforcement provisions of the Voting Rights Act, all five of these states had been covered by the requirement that they pre-clear any changes in voting procedures with the US Justice Department.

The pre-clearance provision was the heart of the 1965 law, enacted under the pressure of the mass civil rights movement and growing working class militancy. The law targeted states, mainly in the deep South, that had for nearly a century defied the prohibition laid down by the post-Civil War Fifteenth Amendment against the abridgement by any state of the right of Americans to vote on account of race, color or "previous condition of servitude." The Amendment expressly gave Congress the authority to pass legislation to enforce its provisions.

On June 25, the right-wing majority on the court essentially usurped the power of Congress to enforce the Fifteenth Amendment, which it had done by passing and repeatedly reauthorizing the Voting Rights Act, most recently in 2006 by overwhelming votes in both houses of Congress. The arch-reactionaries on the court intervened to upend congressional action and gut a law that upheld the right to vote, the cornerstone of the

constitutional system in the US.

In so doing, they gave a green light to states to escalate the assault on the right to vote that has been underway since the theft of the 2000 president election, carried out by means of another 5-4 Supreme Court vote that halted vote-counting in Florida and handed the presidency to George W. Bush, who had lost the popular vote.

The initial wave of voter suppression measures following last week's ruling have come in states with Republican-dominated legislatures, since the immediate electoral impact of suppressing working class and minority votes will weigh most heavily on the Democratic Party.

Arkansas, which was not covered by the Voting Rights Act's pre-clearance provisions, has also moved to implement a voter ID law.

These developments have already shattered the claim of Chief Justice John Roberts, who authored the majority decision in *Shelby County v. Holder*, that the exercise of the franchise by African Americans in the states covered by the Voting Rights Act has made the law in its present form outmoded and unnecessary.

The assault on the right to vote goes far beyond the former Jim Crow states of the South. Since last year, 41 states have introduced legislation restricting voting rights, with 18 of these measures becoming law.

Within hours of the Supreme Court's ruling last week, Texas Attorney General Greg Abbott made the following statement in a press release, "With today's decision, the State's voter ID law will take effect immediately. Redistricting maps passed by the Legislature may also take effect without approval from the federal government."

The Voting Rights Act had previously blocked both the voter ID law and the redistricting plan as having a

discriminatory intent or impact on minority voters. The Texas voter ID law is one of the most reactionary in the country, permitting the use of a concealed weapons permit but not a student's university ID card. The law requires Texans to prove their citizenship and state residency with a passport or a birth certificate, documents not readily available for many voters and not available free of charge. This aspect of the voter ID law differs from a traditional poll tax in name only.

On Wednesday, Rep. Marc Veasey, Democrat of Texas, filed a lawsuit against Texas Secretary of State John Steen under the Voting Rights Act's Section 2, alleging that the voter ID law would have a disparate impact on Hispanic voters. Veasey represents a Hispanic-majority district in the Dallas area.

A suit under Section 2 of the Voting Rights Act allows citizens to sue state officials to remedy discriminatory voting regulations, but it does not usually afford legal relief until after an election has taken place. This is in contrast to the now impotent Section 5, which required pre-clearance of any proposed changes in voting regulations prior to an election. Voting rights activists and civil liberties groups complain that Section 2 usually fails to block unfair voting regulations before they go into effect, and Section 2 cases are more expensive and time-consuming to litigate.

Last week's ruling left Section 2 intact. It also left in place Section 3, which allows the government to require pre-clearance based on more recent discrimination.

Nina Perales, vice president of litigation at the Mexican American Legal Defense and Educational Fund in San Antonio, Texas, told NBCNews.com, "It's going to be very costly and potentially time-consuming to litigate that (voter ID) issue under Section 2. It's very expensive to do the kind of statistical analysis that's required in that case."

Mississippi, like Texas, announced that its voter ID law would go into effect immediately.

South Carolina plans to implement a voter ID law similar to that which the District of Columbia Court of Appeals found unconstitutional in 2012 because it did not provide a free means of obtaining the required state ID card. Alabama and Virginia will implement voter ID laws in 2014.

North Carolina Republican and Chairman of the state

Senate Rules Committee Tom Apodaca said he would move quickly to pass a voter ID law now under consideration. Republican leaders also intend to eliminate early voting on the Sunday before elections as well as same-day registration. Both measures are designed to keep African Americans and poor people away from the polls.

African Americans comprised 29 percent of early voters and 34 percent of same-day registration voters in 2012. African Americans were 22 percent of North Carolina's registered voters in 2012, but accounted for 34 percent of voters without a state-issued ID this year, according to Democracy North Carolina, a liberal nonprofit group.

North Carolina is already involved in a Section 2 lawsuit alleging discrimination in the shaping of 37 congressional districts. Civil rights lawyer Allison Riggs told the *Los Angeles Times* that the first congressional district resembled an octopus stretching in all directions to grab minority voters and minimize their electoral impact in nearby districts.

Florida will almost certainly move to eliminate voting on Sundays. Georgia will introduce new County Commission districts that are designed to favor Republicans.

There will also likely be new laws enacted to curtail voter registration drives.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact