

## **The Voting Rights Act of 1965 and Its Continuing Importance**

Today, we think of voting as a fundamental right of the American citizen, but not so long ago, it was not treated like one. The 15<sup>th</sup> Amendment to the Constitution made voting the right of all male citizens of the United States in 1870, and the 19<sup>th</sup> Amendment made it the right of all female citizens as well in 1920, but the universal suffrage of all American citizens did not become a reality until President Lyndon Baines Johnson's Voting Rights Act (VRA) of 1965.

In theory, the Voting Rights Act completely resolved suffrage issues. Previously, certain states, counties, and towns had prevented minority groups from voting by requiring that voters pass literacy tests or pay poll taxes ("15<sup>th</sup> Amendment to the Constitution"). The 24<sup>th</sup> Amendment partially alleviated this marginalization of minorities and the poor by eliminating poll taxes in national elections in 1964, but state and local elections retained their discriminatory practices. While unethical, this was not technically illegal until the Voting Rights Act of 1965 recognized that this behavior was discriminatory and outlawed it. When President Johnson sent the bill to Congress, he said in his address to the American people that "It is wrong—deadly wrong—to deny any of your fellow citizens the right to vote in this country," emphasizing the great moral and constitutional importance of this legislation (Johnson). Section 2 of the VRA prohibits "the denial or abridgment of the right to vote on account of race or color," and Section 5 requires "preclearance" for states, counties, and towns with a history of discrimination, which must have "new voting practices and procedures" approved by the U.S. Attorney General or the District Court for the District of Columbia ("Voting Rights Act (1965)"). By realizing the dream of universal suffrage, President Johnson and the Voting Rights Act made good on the promises of the 15<sup>th</sup> and 19<sup>th</sup> amendments and removed a major source of discrimination against minorities and the poor.

After 1965, however, several gaps in voting rights became apparent and had to be addressed by amendments to the Voting Rights Act. These changes protected citizens who primarily speak languages other than English from voting discrimination (1975), removed the requirement that a plaintiff prove discriminatory purpose in a voting discrimination suit (1982), and “eliminated the provision for voting examiners” (2006) (U.S. Department of Justice).

A sudden reversal in voting rights policy occurred in the 2013 case of *Shelby County v. Holder*, when the Supreme Court suspended Section 5 of the Voting Rights Act, which had required certain states to pre-clear their election procedures, in a 5-to-4 decision on the grounds that the VRA’s coverage formula, which determined whether a state must pre-clear its procedures, was unconstitutional. This allowed states to establish discriminatory election procedures without oversight from the federal government and took away the equality among American citizens that President Johnson had worked so hard to ensure. The majority decision was based on the idea that the United States is a very different nation, in terms of discrimination, than it was when the VRA was passed and that anti-discriminatory measures are no longer needed (Liptak). In her forceful dissent, Justice Ruth Bader Ginsburg wrote that “throwing out preclearance when it has worked and is continuing to work is like throwing away your umbrella in a rainstorm because you are not getting wet” (Ginsburg 33). Personally, I agree with Justice Ginsburg, especially since Texas is a VRA Section 5 preclearance state that reinstated a previously blocked voter identification law, Senate Bill 14, which was supposedly intended to prevent voter fraud, immediately after the Supreme Court decision (Liptak). The Texas voter identification law received much backlash and was ultimately ruled unconstitutional by the Supreme Court for potentially preventing women, young people, and minorities from voting. By suspending Section 5 of the VRA, the Supreme Court allowed Texas to discriminate against

three separate groups—exactly what President Johnson intended the Voting Rights Act of 1965 to prevent.

Voting rights are especially important to me as a woman who would not have been able to vote a century ago, but the challenge to voting rights that hits closest to home for me was that the Supreme Court’s suspension of Section 5 of the Voting Rights Act allowed Texas’ unconstitutional voter identification law to be implemented in the 2014 elections. As a result, many eligible adult U.S. citizens, mainly women, minorities, the poor, and young people, were prevented from voting in Texas because they lacked a suitable form of identification. Had I been of age and without a specified ID, which many of my fellow Texans are, I would have gone to the polls last November to vote and been turned away without casting my ballot. The fundamental American right of suffrage would have been denied to me as it was denied to an estimated 600,000 Texans who did not possess one of the limited and arbitrary-seeming forms of photo identification specified by the state of Texas, including current driver licenses and concealed handgun licenses but not university student IDs (Eichelberger; “Required Identification for Voting in Person”). The Voting Rights Act of 1965 was supposed to protect voters from this form of discrimination, but without Section 5, it could not.

Infringement of voting rights of others is harmful to society and affects every single one of us, not just the disenfranchised. Government of the people, by the people, for the people is really government of the enfranchised, by the enfranchised, for the enfranchised, because only those who vote are heard and served by the government. Voting is the most fundamental form of participation in government, so when citizens are prevented from voting, they lose the ability to participate. They cannot choose their representatives or be fully represented because their needs and opinions are not considered *sans* ballot. Voting rights will always be an important issue, and

political events like the suspension of Section 5 of the VRA and the implementation of Texas' unconstitutional voter identification law only make it more clear that we have a long way to go before we can completely fulfill the promise laid out in the 15<sup>th</sup> and 19<sup>th</sup> Amendments and the Voting Rights Act of 1965: that every adult American citizen will be able to vote, regardless of their race, their gender, or their state's voting laws. Voting is a fundamental right of every American citizen, and President Johnson was right to make sure it was treated like one.

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