

The Voting Rights Act: What It Has Meant and What Is at Stake
Statement of Laughlin McDonald¹

Our nation's long and deliberate misadventure with segregation was ended by many things, but nothing dismantled the Jim Crow South more than the Voting Rights Act of 1965. By tearing down the barriers to equal participation at the ballot box, the Act removed the essential political mechanism that maintained the legal structure of segregation. As the Supreme Court has said, the equal right to vote is fundamental because it is "preservative of all rights."

The genius of the Voting Rights Act was not just that it abolished literacy and other tests, which had been used to deny blacks and other minorities the right to vote. It also prohibited under Section 5 of the Act, "covered" jurisdictions, which were mainly in the South, from implementing new voting practices without first preclearing them with federal officials. States' rights politicians deeply resented the fact that they had to show that voting changes they wanted to implement had neither a discriminatory purpose nor effect, yet the VRA has proven to be one of the most successful civil rights laws in American history.

Despite the effectiveness of the law, some voting rights opponents have insisted on resurrecting the harsh rhetoric of prior generations or disregarding its mandates altogether. South Dakota is but one case among many. The federal court, in a recent lawsuit brought by the ACLU Voting Rights Project on behalf of tribal members, found that from 1975 to 2002 the state had committed more than 800 violations of Section 5. The preclearance process is now going belatedly forward under federal court supervision. Five other law suits filed by the ACLU in South Dakota since 1999 have resulted in either consent decrees or opinions in favor of the Native American voters detailing past and continuing discrimination against Indians in the political process.

Much progress has indeed been made in minority voting rights and office holding in recent times, but in 2007 crucial sections of the Voting Rights Act will expire unless Congress votes to renew them. At a time when America has staked so much of its international reputation on the need to spread democracy around the world, we must ensure its vitality here at home.

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