



**National  
Urban League**

**To Be Equal #13**

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**Hear Ye Hear Ye Justice Scalia - Voting is a Right**

Marc Morial  
President and CEO  
National Urban League

*"No voting qualification or prerequisite to voting, or standard, practice or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color." Voting Rights Act of 1965*

Last month during Supreme Court oral arguments in *Shelby County v. Holder*, Justice Antonin Scalia called a key part of the Voting Rights Act – Section Five – a “racial entitlement.” Section Five requires that the Justice Department or a federal court “pre-clear” any changes made to voting procedures by covered jurisdictions to ensure they do not “deny or abridge the right to vote on account of race or color.” This act was established to fix a broken system, and it remains relevant today. As long as blatant voter suppression measures like voter ID laws and district gerrymandering are being used to keep certain groups from the polls, the Voting Rights Act – in its entirety – remains necessary. And to clear up any confusion that Justice Scalia has or anyone who found merit in his argument, let’s be clear: Voting “rights” are indeed that – a right guaranteed to every citizen of the United States. They are not a special privilege. They are not a gift.

Justice Scalia’s comments are a shameful reiteration of a right-wing political interpretation of the Constitution. The fact is, the Voting Rights Act was in response to an inarguably unjust and unfair system for voting in this country.

Prior to the Voting Rights Act, millions of African Americans, primarily in the South, were forced to run a gauntlet of “voting qualifications or prerequisites,” including ludicrous literacy tests, discriminatory poll taxes, and other bureaucratic restrictions. And when those measures failed, blacks were routinely subjected to intimidation, economic sanctions, beatings and even murder. The 1964 murders of three voting rights activists at the hands of Mississippi Klansmen and the March 7, 1965 Bloody Sunday beating of peaceful voting rights marchers by Alabama State troopers are horrific examples.

While there has been undeniable progress since 1965, voting rights abuses are still sadly a part of the American electoral landscape. In fact, every presidential election of this new century

has been plagued by voting problems – from “hanging chads,” to Tea Party backed campaigns of Election Day intimidation to new voter ID restrictions. Cut backs in early voting even led to a Florida woman, 102-year-old Desiline Victor, having to stand in line for three hours to vote in November’s presidential election.

The Voting Rights Act, and specifically its Section 5 preclearance provisions, is still needed to protect against such abuses. While Justice Scalia is either confused or misguided in his characterization of the right to vote as a racial entitlement, in 2006, Congress upheld this basic right by overwhelmingly reauthorizing the Voting Rights Act for another 25 years. House Speaker, John Boehner said at the time, “The Voting Rights Act has been an effective tool in protecting a right that is fundamental to our democracy and renewing this landmark law will ensure that each and every citizen can continue to exercise their right to vote without the threat of intimidation or harassment.” We intend to hold the Speaker to those words. If the Supreme Court declares any part of the Voting Rights Act unconstitutional, Congress will have a final chance to keep Section 5 alive.

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