

United States: Right to vote under assault - On the voter suppression laws

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Voting rights are under attack in the United States. In 43 out of 50 states, legislation seeks to limit voting rights for Black and Brown citizens.

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The Republican Party is leading the attack, following on from former President Donald Trump's big lie that last year's presidential election was stolen from him. A vast majority of Republicans agree.

Following last year's election, Trump tried to persuade Georgia's Republican secretary of state Brad Raffensperger to reverse his election loss. In spite of this, Raffensperger said the November election and January Senate runoff had been legal, fair and secure.

President Joe Biden won the state by a slim majority — the first time a Democrat had won since 1992. Two Senate seats were also won by Democrats — the first African American, Raphael Warnock, and the first Jewish American, Jon Ossoff.

There were three recounts — one by hand. No evidence of fraud or violations of election integrity were found.



2018 protest against voter suppression. Photo: Anne Meador@Cool Revolution/Flickr CC BY NC ND 2.0

Turning back the clock

The voter suppression law in Georgia was rushed through and signed into law behind closed doors by Republican state governor, Brian Kemp on March 25.

The law adds a photo identification requirement for absentee voting by post, cuts the time people have to request an absentee ballot and limits where voting boxes can be placed and when they can be accessed.

It also bans the handing out of food and water to voters waiting in line (some voters waited up to nine hours in the previous election) and allows the Republican-controlled State Election Board to remove and replace county election officials for any reason declared by the state government.

The measures “shift the power and oversight of elections to the Legislature by stripping the secretary of state from chairing the state Board of Elections and authorising the Legislature to name members to the board,” said the New York Times.

“It further empowers the state Board of Elections to have sweeping jurisdiction over county elections boards, including the authority to suspend officials.”

The Georgia law is now the template for other states to use to roll back voting rights.

Meanwhile, Republican senators are refusing to support a federal bill to stop voter suppression laws spreading across the states and strengthen the 1965 Voting Rights Act, which was gutted by the Supreme Court in 2013.

After Kemp signed the bill into law, Biden called it “un-American”.

“This is Jim Crow in the 21st Century, it must end.

“I will take my case to the American people — including Republicans who joined the broadest coalition of voters ever in this past election to put country before party.

“If you have the best ideas, you have nothing to hide. Let the people vote.”

Warnock told NBC’s Meet the Press: “Voting rights has traditionally been bipartisan. The last time we reauthorised the 1965 Voting Rights Act, George W Bush was president, and it passed the US Senate 98-0.

“Voting rights is not just one issue alongside other issues. It is fundamental. It is foundational. It is who we say we are as an American people. It’s the covenant we have with one another. One person, one vote. We’ve got to do everything we can to pass voting rights.”

Challenges

Civil rights groups immediately challenged the Georgia law in federal court, backed by prominent voting rights lawyers. So far three law suits have been filed.

Several Black leaders described the legal battles to come as an existential fight for representation, saying the law clearly puts a target on Black and Brown voters.

Georgia activist groups are demanding a boycott of large corporations headquartered in the state for refusing to condemn the draconian law. They include Delta Airlines and Coca Cola.

The pressure quickly led Delta and Coca Cola to issue statements against the law.

About 72 Black business executives came out against Georgia and other states planning to pass the

same laws. Billions of dollars are at stake.

More than 170 corporations, including many on Wall Street, have spoken up for voting rights and could shift their spending in those states suppressing the right to vote.

Major League Baseball relocated its All-Star game from Georgia. Sports organisations and stars have spoken out strongly against racism.

In Texas, a similar voter suppression bill was rushed through the Senate on April 1. Two of the world's largest airlines based in the state — American Airlines and Southwest Airlines — condemned the new legislation.

No constitutional right to vote

The Founding Fathers were educated under English law. They wrote the Constitution to preserve the power of the elite landowners, including the slave-owners. All were white men.

They were creating a radical experiment in self-government — Europe was still ruled by monarchs — combined with the protection of limited individual rights.

As a result, they did not lay out an inherent right to vote, because they feared rule by the masses would mean the destruction of all the other rights the Constitution and Bill of Rights uphold.

Instead, they highlighted other core rights over the vote, creating a tension that remains today.

After the Constitution was drafted, a revolt occurred that led to the first 10 amendments (which then became known as the Bill of Rights). The Bill of Rights granted basic rights, but not the right of all citizens to vote.

Voting is seen by the ruling class as a “privilege” not a right. The powerful have always sought restrictions to it to maintain their elite status and power.

It took war, revolution and mass struggles to expand the right to vote.

After the Civil War (1861–65), the 15th Amendment [1], ratified in 1870, guaranteed that the right to vote would not be denied on account of race: If some white people could vote, so could similarly qualified non-white people. But that still did not enshrine a right to vote — only the right to equal treatment.

Black men gained the limited right to vote in 1865. However, the implementation of that right was based on state laws. By the late 1800s, states like Georgia passed “black codes” that made it impossible for Black men to vote.

Under these codes, many states required Black people to sign yearly labour contracts; if they refused, they risked being arrested, fined and forced into unpaid labour.

The 14th Amendment (1868) granted citizenship and equal civil and legal rights to African Americans and slaves who had been emancipated, but did not grant all citizens the right to vote, as radical Republicans sought. State rights superceded equality and allowed permanent discrimination.

It took nearly 90 years for a majority of Black men and women to get the right to vote with limited restrictions in 1965.

Similarly, the 19th Amendment (1920) [2] banned voting discrimination on the basis of sex but did not recognise an inherent right to vote. Black women, of course, were still under the restrictions of segregation and could not vote.

Popular mass resistance forced the ruling politicians of both major parties to change the laws.

Martin Luther King jnr and other civil rights leaders marched against state and federal laws and demanded change from both Republican and Democratic elected officials.

What must be done

Jim Crow 2.0 is alive and deadly for African Americans once again. The US has never been a true democracy for Blacks. Historic battles have been fought to make it happen.

A multi-tactic strategy is needed to preserve and expand voting rights.

African Americans have had a right to vote for only 55 out of the past 250 years — without running the gauntlet of racist state laws such as the “jellybean test”, in which African Americans had to count the number of jellybeans in a jar before voting.

The assault on voting today shows how reactionary history can be repeated. Black voting rights can be lost again.

The capitalist ruling class has never supported the right of all citizens to vote — of one person one vote, free of restrictions.

Until that is won, attempts will continue to roll back voting rights for people of colour, especially Blacks. Until that is won, the US is not a democracy.

To beat back the current attack on voting rights, and to move forward to win one person one vote will require mass action, with African Americans playing a leading role.

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P.S.

- Green Left Issue 1303, April 8, 2021:
<https://www.greenleft.org.au/content/united-states-right-vote-under-assault>

Footnotes

[1] <https://www.law.cornell.edu/constitution/amendmentxv>

[2] <https://www.law.cornell.edu/constitution/amendmentxix>