



Victory in the Voting Rights Battle

By Abigail Thernstrom

For the leaders of many civil rights groups, pessimism about black progress has become deeply ingrained, and Congress takes its legislative cues from them. But the progress since the passage of the Voting Rights Act has been stunning. Today, the impediments to black voting have largely disappeared.

We have come to the end of a remarkable journey. In the early 1960s, most Southern blacks were barred from voting. Yet today, just over four decades later, blacks and whites from across the country have selected an African-American man as the presidential nominee of the Democratic Party.

No one should forget what the South was like not so long ago. In 1964, the right to vote remained a white privilege, despite the promise of the Fifteenth Amendment. Blacks were routinely kept from the polls by fraudulent literacy tests, violence, and intimidation. Without the franchise, they had little or no say in what policies their “representatives” in Congress might support, where state health dollars would go, or which local streets would get sidewalks. To have the vote was to belong to the American community; the disfranchised had been stripped, in a fundamental sense, of their citizenship. At the time, there were no black elected officials from the South.

Southern white supremacists knew their power depended on black disfranchisement, and thus the struggle for black ballots was particularly bloody. In the South in 1965, blacks who were so “uppity” as to try to vote could find themselves without a job or credit at a store—or with a bullet in the back, as Medgar Evers, the Mississippi NAACP field secretary, did in 1963. On March 7, 1965, John Lewis was in Selma, Alabama, when state

troopers used electric cattle prods, nightsticks, and tear gas to suppress a peaceful voting rights march; he ended up with a fractured skull.

But five months after that “Bloody Sunday” in Selma, President Lyndon B. Johnson signed the Voting Rights Act into law. Within two years, the percent of eligible blacks registered to vote in Mississippi climbed from 6.7 percent to 60 percent. Today, the black registration rate in the Magnolia State is 76 percent—higher than that for whites. Impediments to black voting have virtually disappeared throughout the South, blacks are the Democrats’ most loyal constituency, and Barack Obama—a black man serving his first term as a U.S. senator from Illinois—has an excellent chance of becoming president.

Today, forty-three African Americans serve in Congress—including John Lewis. And yet in civil rights circles, much reference is made to continuing disfranchisement—with the implication that it is callous, and possibly even racist, to suggest that America has been transformed.

Skeptics point to racially polarized voting as a sign of the hold ongoing racism has on elections. But they define all elections in which majorities of blacks and majorities of whites vote for different candidates as “polarized.” By that standard, elections will never be free of racial taint until either half of all blacks vote Republican or roughly 85 percent of whites vote Democratic. In other words, “racism” will have disappeared only on the unlikely day when partisan group differences are gone.

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Other skeptics point to the low number of blacks elected in majority-white communities as a sign that American politics still has many miles to travel. But that is misleading. It is true that a politician like Representative James Clyburn, majority whip in the House of Representatives, cannot be elected except in a secure majority-minority district. Neither can any of the other members of the Congressional Black Caucus who spoke at the Democratic National Convention in August: John Conyers, Charles Rangel, Bennie Thompson, and Maxine Waters.

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Black representatives from these minority-white districts do not acquire the experience and skills to run as candidates in the wider world of racially competitive politics; indeed, those who campaign hardest as “authentically black” are generally the victors in the Democratic primaries—the only elections that count in those districts. But, in addition, the nonpartisan *National Journal* has not rated a single one of these members of the caucus as having a remotely moderate political profile. Unlike Obama, who has an abbreviated political history and a relatively moderate image (despite his liberal voting record), they make no effort to present themselves as not-Jesse Jackson, postracial candidates.

As recently as the summer of 2006, in debating the renewal of the most radical provisions of the Voting Rights Act—provisions that were originally expected to expire in 1970—a House Judiciary Committee report claimed: “Discrimination [in voting] today is more subtle than the visible methods used in 1965. However, the effects and results are the same.”

The same! Discrimination has remained unchanged since 1965, except in the degree of its subtlety! Is it possible that beneath the patina of progress, the same old racist South exists—more than forty years after the

passage of a law with extraordinary and effective powers to respond to the national emergency of black disfranchisement? One is tempted to ask whether the committee members have been living in a cave for four decades. Today, in Mississippi alone, more than nine hundred blacks hold office, and most Southern states have higher black registration rates than those outside the region.

On civil rights questions, both Republicans and Democrats in Congress take their cues from the leaders of civil rights groups, for whom pessimism has become deeply ingrained—indeed, habitual. Such pessimism is dangerous; it can act as a brake on progress. As Richard L. Hasen, a distinguished voting rights scholar has noted, in 2006, when Congress renewed and strengthened the temporary provisions of the Voting Rights Act, it squandered “an opportunity . . . to take a more serious look at how it can fix its voting laws to better protect minority voting rights” in the twenty-first century. In the same vein, New York University law professor Richard H. Pildes described the renewed provision as representing “the past of voting rights, but not the future.” The most important voting rights dispute in the last presidential election was in Ohio—a state not covered by the emergency provisions of the Voting Rights Act—and not Mississippi. The Voting Rights Act is irrelevant to the hot-button voting issues of today: voter fraud, voter identification, and malfunctioning machines.

Congress may not recognize that disfranchisement is a closed chapter in American history. But in a recent *Washington Post*/ABC News poll, 63 percent of blacks answered “yes” to the question: “Do you think it’s possible your child could grow up to be president or not?”—a higher figure than for whites.

On August 28, 1963, Dorie Ladner, a twenty-one-year-old civil rights activist from Mississippi, listened to Martin Luther King Jr. speaking from the steps of the Lincoln Memorial and thought, “We’re going to go back to Mississippi and get called [racial epithets] again. This isn’t going to change anything.” But over forty years later, she recently told the *Washington Post* that “Dr. King’s dream . . . is being fulfilled.”

Whatever your politics, Barack Obama’s moment is our moment, too. It is the end of one story and the beginning of another, a moment in which to celebrate.