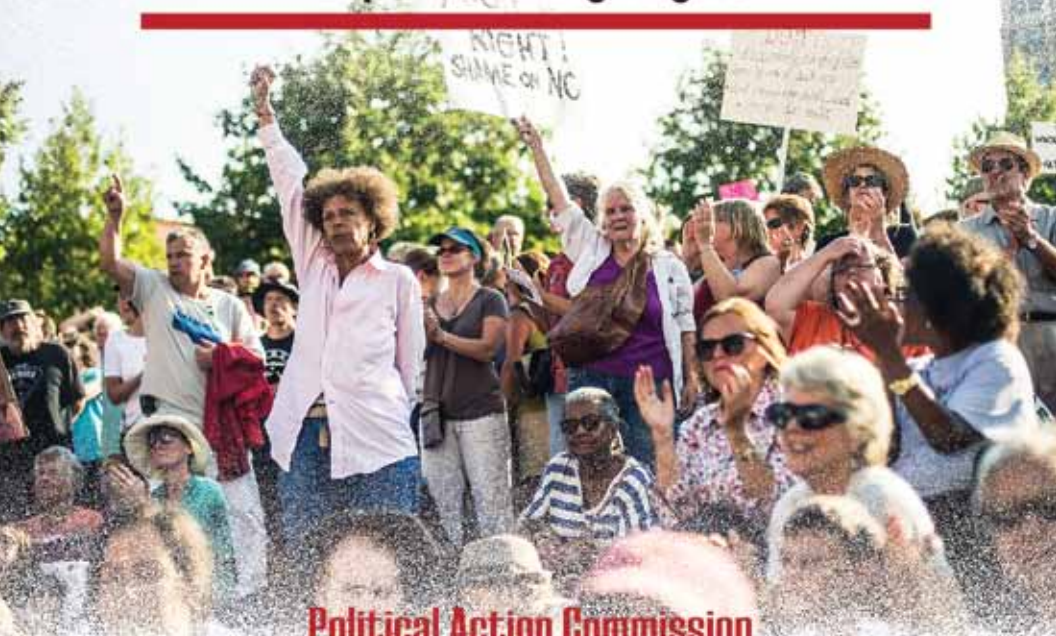


# SAVE DEMOCRACY!

Stop the Attack on Voting

Expand Voting Rights



Political Action Commission,  
Communist Party USA

Ordinary Americans have had to battle for the right to vote from the very beginning. When the Constitution was adopted there was no explicit guarantee of the right to vote for anyone, including US citizens. In fact there was not even a definition of US citizen in the Constitution..

The question of “becoming a citizen” was not addressed until the Naturalization Act of 1790, amended in 1795 to limit it to “free white persons” – making explicit that even freed slaves could not be citizens.

Until the 14th Amendment voter eligibility was left to the states. **This was a result of the efforts of the slave states to make sure that no section of the Constitution would allow slaves (and by extension all**

**African-Americans) to vote.** It was not until the passage of the 15th amendment in 1870 that voting rights were guaranteed to former slaves. State determination of voter eligibility also denied the right to vote to Native-Americans until 1924.

In addition to the preservation of white supremacy, the big landowners and the wealthy, in order to guarantee their power, made sure that poor (not rich) people were denied the vote. Because the dominant form of wealth was land, from the beginning there was an assumption that only those who owned property could vote.

There was also agreement that voting, and all power, was men’s business.



**From the founding of this country:**

- **Slaves and all people of color could not vote.**
- **Women could not vote.**
- **Native Americans could not vote.**
- **Working people who did not own land could not vote.**

A major feature of the history of the United States from its founding to today has been the fight to expand access to power through the ballot box for the people.

The Constitution does not guarantee anyone the right to vote **other than freed slaves**, yet, it is precisely their descendants who have suffered the worst forms of discrimination, and the greatest efforts to deny them the right to vote.

This has been done by allowing the states to control registration and the mechanics of voting.

The 14th Amendment granted citizenship to the freed slaves, and the 15th Amendment the right to vote. But, in large sections of this country that right was never legally protected until the Voting Rights Act of 1965. For at least 80 years after the Civil War the freed slaves, their children and grandchildren could not vote in the states of the former Confederacy, as well as other jurisdictions where Jim Crow laws and practices blocked that right. In 1898 the **US Supreme Court** endorsed state constitutions denying the right to vote when it upheld the Mississippi State Constitution that included the most comprehensive voter suppression laws in the country.





This has been compounded, and extended to this very day, by using Section 2 of the 14th amendment which denied the right to vote to those who had committed “rebellion and other crimes”. Obviously directed at those who took up arms against the Union, **this provision has been used to deny the right to vote to those in prison and persons who have been convicted as felons**, even after they have served their sentences. Only two states allow people in prison to vote; most of the states have draconian measures that effectively disenfranchise millions.

According to a study by the Sentencing Project this resulted in 5.85 million being denied the vote in 2012, including some 3 million who have served their sentences in full.

Again, this burden falls most heavily on persons of color. The Sentencing Project has determined that **8% of adult African Americans are ineligible to vote** for this reason **compared to 1.8% of the rest of the adult population**. While African Americans are 13% of the population, they are 38% of prisoners because of the racist administration of the legal system. Similarly, while Hispanic Americans are 15% of the population, they are 20% of those serving prison sentences.

Considering that we have the highest proportion of our population in prison in the world, our claim to be the leading Democracy is little more than a bad joke.

Special laws such as poll taxes, literacy tests, etc. also effectively blocked poor

whites as well as African Americans from voting, especially in the South. They were not outlawed until the 24th amendment was passed in 1964.

After a nearly century long fight by women and their allies the 19th Amendment to the Constitution in 1919 finally gave all women the right to vote. It was not until 1924 that Native Americans living on reservations finally secured the right to vote in most states.

The fight for the right to vote has been a constant and, at times, a dominant feature of political life in the country. It took the efforts of millions and the transformation of US politics through the fight for women to vote and the civil rights movements of people of color and their allies of the 20's,

30's, 40's, 50's and the 60's to force the Congress to pass the Voting Rights Act of 1965, whose 50th anniversary we celebrate this year.

The ruling class, which successfully denied the franchise to the majority of our people for more than 100 years is determined to roll back these gains. Their first major victory was the US Supreme Court's decision in "Bush v Gore" where the Court intervened to elect George W. Bush. Once again, as in their validation of Jim Crow laws in 1898, the Court worked undermine the rights of the American people.

Then in 2010 came the "Citizen's United" decision, when the Roberts Court equated dollars with "speech". That opened the floodgates of billions of dollars from corpo



rations and the super rich which dominate today's politics. While not the only factor, this played a major role in the Republican sweep of November 2010 resulting in state after state under Republican control enacting laws to suppress the vote of working people, especially people of color. The results of this election allowed Republican dominated state legislatures to gerrymander the voting districts to cement their advantage for at least another 10 years.

The situation has only gotten worse since then. The Supreme Court decision in "Shelby County, Alabama v Holder" gutted Section 4 of the Voting Rights Act which had allowed the Justice Department to intervene in the states with a history of racist disenfranchisement to protect equal voting rights. This resulted in a new wave of voter suppression bills around the country.

"While the precise impact of strict voting laws on the results of the 2014 midterm elections is still unknown, it is clear that the number of people predicted to face increased difficulties in voting during this election either approached or exceeds the margin of

victory for competitive statewide races." (Ben Jealous, former head of the NAACP)

A new threat is efforts by the Republicans to gerrymander the Electoral College itself by assigning votes by Congressional Districts. The Electoral College was always intended to prevent the people from electing the President. Combined with the gerrymandered districts it would be a permanent obstacle to a democratic election and lead to permanent minority rule..

## WHAT TO DO?

The fight for Democracy in our country depends on the ability of all citizens to vote both nationally and in the states. What is needed is an overall voter rights law which would set national standards of fairness for federal elections, and set a national definition of what the right to vote means in real life.

In addition, H.J. Res. 25 "Proposing an amendment to the Constitution of the United States regarding the right to vote," would grant every U.S. citizen of legal vot-



ing age the fundamental right to vote in any public election held in the jurisdiction in which the citizen resides.

All of the following should be fought for wherever possible:

- **Every citizen must be guaranteed the right to vote by enforceable law.**
- **Registration procedures must facilitate this right, up to and including same day registration.**
- **Regulation of the voting process must not burden any American from exercising that right, including identification requirements, or criminal history.**
- **17 year olds should be allowed to register if their 18th birthday occurs before the next election.**
- **Balloting by mail should be established wherever possible.**
- **Election materials should be printed in English and Spanish most places, and other languages where there is a sizable immigrant population.**
- **Provisional ballots must be issued and counted if a citizen has moved but failed to changed their registration.**
- **Voter registration should be allowed at any Post Office and available at the polls on voting day.**

- **Early voting, including week-ends and during evening hours must be allowed at least one month prior to any election, including the Sunday before election day.**
- **It should be a federal crime to provide misinformation about when and where elections are held. A national paid voting holiday should be declared by Congress.**
- **Some form of weighted voting such as proportional representation or instant run-off procedures should replace winner take all elections.**
- **Restore the pre-clearance sections of the Voting Rights Act.**
- **Make it illegal for any state, or non governmental entity, to establish so-called “crosscheck lists.”**
- **Every American should be issued a Voting ID at birth when they receive their Social Security number. The Federal government should maintain this data base and presentation of this information should be sufficient to register to vote.**
- **Steps should be taken to enable people born before, or in places where good records do not exist, to secure a Voters ID.**
- **Any ID’s required to vote should be provided at no cost<sup>4</sup>.**
- **Repeal *Citizens United***

# The Fight is Engaged

The experience of the voter suppression efforts by Republican controlled states, the role of the Supreme Court in validating the use of money as a proxy for free speech and declaring unconstitutional the pre-clearance sections of the Voting Rights Act, the results of the 2014 elections and the control of Congress by the most reactionary elements have already stirred millions into action. AFL-CIO President Richard Trumka called for, "A strong and growing grassroots democratic movement ... to push back against the next wave of state level attacks on the right to vote."

Organizations like Fair Vote, which is trying to promote the popular election of the President the NAACP and The National Council of La Raza who are challenging the racist nature of these voter suppression tactics; and the millions who have reacted to the voter suppression laws they have already faced based are mobilizing to reclaim and secure the right to vote for all.

The ruling class, the extreme right wing and the Republican Party are united in making it even harder for Americans to vote.

The 1% use every means at hand to suppress the vote because they want to keep their tax breaks, deny union rights, spend on wars that benefit their own economic interests and strip away or privatize Social Security, Medicare and Medicaid, public education and every social program ever won. This is not what the majority of the people want.

That is why the 1% are working overtime to keep working people from voting. That is why the fight by fast food workers for \$15 and a union, the struggle for sustainable, green jobs and an end to police brutality must take place in the streets in order to be counted at the ballot box.

**The time to start is now.** It cannot wait until 2016. Groups like the Moral Mondays in North Carolina are already working (they have launched a campaign to Jumpstart the Vote). Join them, and the many organizations around the country who are already working to preserve (or gain) the Right to Vote for everyone.

*Comments can be sent to:  
[politicalaction@cpusa.org](mailto:politicalaction@cpusa.org)*

**Issued on March 7, 2015**

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Reprinted from **Political Affairs**

<http://www.politicalaffairs.net/save-democracy-stop-the-attack-on-and-expand-voting-rights>