

WE SHALL NOT BE MOVED

ADVOCACY IN THE NEW AGE OF VOTER SUPPRESSION

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Yes, Jesus, I want to be on your right side or your left side, not for any selfish reason. I want to be on your right or your best side, not in terms of some political kingdom or ambition, but I just want to be there in love and in justice and in truth and in commitment to others, so we can make of this old world a new world. Amen.

— Flip Schulke, ed., *Martin Luther King Jr.: A Documentary, Montgomery to Memphis* (New York: W. W. Norton & Co., 1976)

INTRODUCTION: USING THIS RESOURCE



In this election year, it is more critical than ever to understand the mechanics of our democracy, to reclaim the values and the promise of our electoral process. The right to vote is being restricted in many places, which raises questions for US Reformed Christians about the meaning of our democracy. At the direction of the General Assembly, we at the Office of Public Witness have compiled resources to aid individual church members and congregations to look at these questions. We hope this discussion guide will prove a helpful template in your process of reflection and action.

This resource can be used individually, with a church study group or class, or as a source of sermon starters and ideas. We intend this guide to explore the links between our call to public witness as Presbyterians and our responsibility as Americans to demand free and fair elections. Unlike voting guides that simply list things to support or oppose, we summarize history and practice to show systemic patterns that need change.

We draw on US history, Presbyterian social witness policies, Scripture, and other resources to focus on the gradual and uneven recognition

of members of minority groups as full voting members of society. While some of these matters can be challenging or frustrating, we have sought new ways to encourage real dialogue in our congregations and communities about the lasting impacts of segregation and about the ongoing struggles for equity for women, people of color, working people, and those unable to work. In a polarized environment, we still affirm the promise of a government “of the people, by the people, and for the people”—for ALL the people!

THE THEME: VOTER SUPPRESSION IN THE UNITED STATES

In the 2008 PC(USA) social witness policy *Lift Every Voice*, the Presbyterian Church called on this country to enforce the Voting Rights Act and to protect people and communities of color, women, the young, people with disabilities, and the elderly from targeted purges of voting lists and other forms of disenfranchisement.¹ This policy equipped us with much needed prophetic language and practical ideas, yet in 2013, our country entered a new era of voter suppression marked by different tactics than in years past but yielding the same dangerous outcomes.

The Supreme Court decision of *Shelby vs. Holder* in 2013 reinterpreted the Voting Rights Act, limiting the ability of the federal government to review new voting laws put in place by the states that jeopardize minority voters. Since that decision suspending “preclearance” review by the Justice Department, states have passed voting laws that have the practical effect of discriminating against minority communities.² In an already partisan political climate, voting rights themselves should not be a partisan issue. Rather, they are the very foundation of democracy, and if free and fair elections are under threat, then so too is our national identity. Recognizing this, the 221st General Assembly (2014) called for the 2008 policy to be updated and for the Office of Public Witness to provide a resource for study and action.

Respect for the conscience of the individual anchors Presbyterian reverence for the right to vote for

everyone. Public service is seen by us as a high calling, and government itself a servant and agent of the people, accountable to all citizens. Politics as public decision-making has an ethical purpose and benefits from laws that prevent corruption by special interests against the common good. Weakening the rights of citizenship for some and unfairly enhancing the power of others distort the practices and legitimacy of democracy. As a Reformed Christian church, understanding God’s covenant to have been opened by Jesus Christ even to “the least of these,” the Presbyterian Church (U.S.A.) seeks to live out and witness to its values of love and justice in the public sphere.³

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The systemic approach of denying minorities the right to vote has long been against our expressed ideals as Presbyterians.
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Beginning its postwar civil rights commitment in 1947, the Presbyterian Church U.S. (PCUS) Assembly opposed all organizations and individuals who aimed to hinder any minorities on the basis of creed, class, or color. In the northern church, the 1956 PCUSA General Assembly called upon Christians to work to eliminate the poll tax “and other restrictions which prevent many citizens from exercising their legal rights at the polls and which affront the dignity of persons...” (*Minutes, UPCUSA, 1956, Part I, p.235; see also Minutes, PCUS, 1957, Part I, p.194*). In 1965, the PCUS affirmed the historic Voting Rights Act saying, “The basic purpose of the civil rights

movement should be to obtain for the Negro—and of course, for all minority groups—justice in affairs of daily life and the right to respect as human being under the redemptive concern of God. Jesus, by His words and life, calls us, as his followers, to support him in the struggle...” (*Minutes, PCUS, 1965, Part I, p.159*). These and other statements were not easy to make and are worth remembering as that struggle continues in new forms.

Because the issue of voting rights is so deeply tied to the history of racism in the United States, this course of study is intrinsically connected to the Presbyterian Church (U.S.A.)’s vision of becoming an antiracist community. This provides us with the theological, cultural, and political framework for resisting oppression and working to overcome racism within our own life as well as in the broader society. It means combining social analysis, institutional reconstruction, and individual healing with discernment, prayer, and worship-based action. This resource does not address all of the dynamics that restrict electoral reform, including partisan redistricting (gerrymandering) and distortions caused by the electoral college and inaction by the Federal Election Commission. But it does look at shorter-term remedies and potential legislation that could restore voter protections intended in the original Voting Rights Act of 1965. We encourage readers to formulate their own ways of engaging this topic based on the realities of their congregations and communities, and to reach out to the Office of Public Witness if we can be of further assistance.

¹ *Lift Every Voice: Democracy, Voting Rights, and Electoral Reform*, <https://www.pcusa.org/resource/lift-every-voice-democracy-voting-rights-and-elect>

² <https://www.brennancenter.org/new-voting-restrictions-2010-election>

³ Here and elsewhere, this resource draws on language from the report to the 222nd General Assembly (2016) “Election Protection and Integrity in Campaign Finance,” <https://www.pc-biz.org/#/search/3000045>.

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PART 1

THE CURRENT CRISIS

On June 26, 2013, the Supreme Court cut the heart out of one of the most important pieces of legislation in the 20th century, the Voting Rights Act. On paper, the court ruled that a coverage formula in a provision of the Voting Rights Act was unconstitutional because it was outdated. This provision required jurisdictions that had a history of voter suppression, primarily of preventing African Americans from voting, to submit any potential new voting laws to the federal government for review. Striking sections 4b and 5 from the Voting Rights Act suspended the federal government's proactive power to protect the rights of minority voters (after-the-fact complaints may still be filed). That decision will continue to distort the outcomes of elections across the country until new legislation can be passed by Congress.

When Supreme Court Justice John Roberts read the majority opinion in favor of striking sections 4b and 5, he stated, "The conditions that originally justified these measures no longer characterize the voting in covered jurisdictions. By 2009 the racial gap in voter registration and turnout was lower in states

originally covered by Section 5 than it was nationwide ... Census Bureau data indicate that African American voter turnout has come to exceed white voter turnout in five of the six states originally covered by Section 5, with a gap in the sixth state of less than one half of one percent."⁴

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The threat of voter fraud seems to have been over-emphasized in order to create a political rationale to pass voter ID laws that ironically pose a far greater threat to our democracy.
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Justice Roberts took this to mean that the problem of discrimination based on identify was solved; however, longtime voting rights advocates across lines of race, gender, and class saw this precisely as evidence that the Voting Rights Act was working as designed. The turnout data cited may also have reflected the historic candidacy of an African American. Justice Roberts' conclusion is indeed a challenge for all Presbyterians to engage at this critical time; have we as a country truly moved beyond the need for protections for minority voters?

Have we so thoroughly healed the wounds of racism, of the exclusion of women, of the injustices suffered by people with disabilities, and the poor?⁵ Even if that were true (which as evidenced in the following text and the world around us, it is not), a democracy should provide ample opportunities for participation, not shrinking windows within which to cast a vote.

One of the primary justifications for new voting laws is to prevent voter fraud. Multiple studies have shown that voter fraud is very rare, voter impersonation is nearly non-existent, and many of the problems associated with alleged voter fraud are actually unintentional mistakes that are made by the voters or the election administrators.⁶ According to a 67-page report released by the NAACP in September 2012, "with in-person electoral fraud occurring at the rate of 0.000002 percent, an individual is more likely to be struck by lightning than to impersonate another voter at the polls." The threat of voter fraud seems to have been over-emphasized in order to create a political rationale to pass voter ID laws that ironically pose a far greater threat to our democracy.

⁴ http://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf

⁵ To engage more deeply with these questions, we suggest the PBS documentary series *Colorblind: ReThinking Race*, <http://www.pbs.org/show/colorblind-rethinking-race/>.

⁶ Justin Levitt, "A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents Out of One Billion Ballots Cast," *Washington Post*, August 6, 2014, <https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/>

THE TACTICS OF VOTER SUPPRESSION

Photo ID, truncated early voting, limited voter registration

Voter ID laws were one of the key contributors to lower turnout in Kansas and Tennessee in 2012, according to a study by the Government Accountability Office. Congress's research arm blamed the two states' laws requiring that voters show identification on a dip in turnout in 2012 — about 2 percentage points in Kansas and between 2.2 and 3.2 percentage points in Tennessee. Those declines were greater among younger and African American voters, compared with turnout in other states.⁷

Texas officials announced the day of the Shelby vs. Holder decision that the state would be implementing a strict photo ID law that had been previously blocked by Section 5 due to its impact on racial minorities. The federal court originally stated that racial minorities in Texas were more likely to live in poverty and that this law would heavily weigh on the poor, reasoning that photo IDs cost money, and that requiring an ID amounts to a "poll tax."⁸ It was estimated that between 600,000 and 800,000 registered voters in Texas lacked photo IDs, the majority being racial minorities.

Similar to the situation in Texas, after the Shelby decision the North Carolina state legislature passed a law that imposed a strict photo ID requirement, cut back on early voting, and reduced the window for voter registration. In addition to

photo IDs being costly in both time and money, cutting back on early voting and reducing the window for voter registration negatively impacts the working class and those without transportation or who rely on transportation services for people with disabilities. Restricting the available times to vote makes it harder for those working full time or in multiple jobs to cast a vote.

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In addition to burdening communities of color and the working class, voter ID laws have a disproportionately negative effect on women.
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Perhaps most egregious, in 2011 Alabama passed a law stating that a valid photo ID would be needed in order to vote. Later, it was announced that the state would be closing 31 driver's license locations, meaning that 29 counties would not have a place where prospective voters could receive a valid photo ID. With these closures, eight out of the 10 Alabama counties with the highest number of nonwhite registered voters would lose their main method of providing voter IDs. The areas facing closure include counties that have high African American populations and poor, rural communities where people do not have cars to drive to another county to obtain an ID. The Department of Transportation launched an investigation into the closing to see if this would

disenfranchise minority voters.⁹ If the Voting Rights Act was still intact, the investigation would have been done before the closures in order to ensure that minorities would not be disenfranchised.

In addition to burdening communities of color and the working class, voter ID laws have a disproportionately negative effect on women. According to the Brennan Center for Justice, one third of all women have citizenship documents that do not identically match their current names, primarily because of name changes at marriage. Roughly 90 percent of women who marry adopt their husband's last name. That means that roughly 90 percent of married female voters have a different name on their ID than the one on their birth certificate. An estimated 34 percent of women could be turned away from the polls unless they have precisely the right documents.¹⁰



⁷ "Issues Related to State Voter Identification Laws," Government Accountability Office, September 2014, <http://www.gao.gov/assets/670/665966.pdf>

⁸ "The Challenge of Obtaining Voter Identification," Brennan Center for Justice, <http://www.brennancenter.org/publication/challenge-obtaining-voter-identification>

⁹ Rene Marsh, "DOT Launches Investigation in Alabama over DMV Closures," CNN, December

¹⁰ Myrna Perez, "Voter Purges," <https://www.brennancenter.org/publication/voter-purges>

Name matching and purging voter rolls

In the midst of a supposed epidemic of voter fraud, several different varieties of software have been developed to detect voter fraud across state lines. These programs analyze voter rolls between states and if a first and last name match in two states, both persons are flagged and purged from the lists.

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The secret and inconsistent manner in which purges are done makes it difficult to know how many voters are taken from voting lists incorrectly.
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Disturbingly, the lists are heavily weighted with names such as Jackson, Garcia, Patel, and Kim—surnames common with people of color.¹¹ This list-matching system is an inaccurate way to prevent fraud, and the system disproportionately burdens minority voters. Citizens are being denied the right to vote simply for sharing the same name as another voter, an injustice compounded by the fact that individuals are not notified when their name is removed from a list of eligible voters. It is not until they arrive at the polls on voting day that many find their constitutionally granted right has been revoked.

The secret and inconsistent manner in which purges are done makes it difficult to know how many voters are taken from voting lists incorrectly. Voter purging is not restricted to just one state or jurisdiction. In Mississippi, a local election official discovered that another official wrongfully

purged 10,000 voters from her home computer a week before primary elections.¹¹

Uneven distribution of election resources

Underfunded election areas can result in long lines at polling places, requiring some voters to either wait hours to cast a ballot or to forgo their right to vote in that election. Voters who cannot wait the required amount of time are therefore disenfranchised. Sometimes delays are caused by old or faulty voting equipment. Delays at polling places are generally greater in urban areas, often home to working class families and communities of color. In Arizona, the Department of Justice began an inquiry after voters in recent primaries reported inordinately long wait times at the polls and said that some working class Latino neighborhoods didn't have a polling location at all.¹² Given the greater risk and burden for working class voters to take time off from work, our electoral system owes them, at the least, a guarantee that their votes will be counted. Federal supervision is warranted even if states continue to be responsible for the election apparatus, which is usually directed by partisan appointees.

Felon disenfranchisement

"For if you forgive other people when they sin against you, your heavenly Father will also forgive you."

—Matthew 6: 14 NIV

While we are a people that believe in forgiveness and the power of second chances, our country denies the right to vote to most of those

who have been convicted of a felony. A striking 5.85 million Americans are prohibited from voting due to laws that disenfranchise citizens convicted of felony offenses.¹³ In a practice that dates back to Jim Crow, politicians are still adding to the rolls of disenfranchised voters. In 2001, Florida Governor Rick Scott disenfranchised 97,491 ex-felons and prohibited another 1.1 million prisoners from being allowed to vote after their serving time.⁸ A similar occurrence took place in Iowa, where Governor Terry Branstad overturned his predecessor's decision to restore voting rights to 100,000 ex-felons. Only two states, Vermont and Maine, do not restrict voting rights of anyone with a felony conviction, including those in prison.

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As with almost every aspect of voter suppression, the impact of felony disenfranchisement falls disproportionately on communities of color.
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The United States is the only democracy in the world that regularly bans large numbers of citizens returning from incarceration from voting after they have completed their sentences. Many countries, including Denmark, France, Germany, Israel, Japan, Kenya, Norway, Peru, Sweden, and Zimbabwe, allow prisoners to vote unless convicted of crimes against the electoral system. A study of felon voting patterns from 1972 to 2000 found on average 30 percent of felons and ex-felons would vote if given the chance.¹⁴ These numbers are comparable to voter turnout in

¹¹ Pia Malbran, "Red Flag on Purging Voter Roles," CBS News, <http://www.cbsnews.com/news/red-flag-on-purging-voter-rolls/>

¹² Eugene Scott, "DOJ Looking into Voter Suppression Claims in Arizona," CNN, April 5, 2016, <http://www.cnn.com/2016/04/05/politics/justice-department-investigation-arizona/>

¹³ "A Felony Disenfranchisement Primer," The Sentencing Project, February 2016, <http://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

¹⁴ Harry Enten, "Felon Voting Rights Have Bigger Impact on Elections than Voter ID Laws," *The Guardian*, July 31, 2013, <http://www.theguardian.com/commentisfree/2013/jul/31/felon-voting-rights-impact-on-elections>

the general population, proving that returning citizens have the desire and deserve the opportunity to restore their place in society with a vote. As with almost every aspect of voter suppression, the impact of felony disenfranchisement falls disproportionately on communities of color. One in 13 African American adults cannot vote because of felony conviction, compared with one in every 56 non-black voters.¹⁵

Many people say, "Well, that's just not a big deal. So you can't vote. What's the problem with that?"

Denying someone the right to vote says to them, "You are no longer one of us. You're not a citizen. Your voice doesn't count. You're relegated to a permanent second-class status, do

not matter. You're not a person to us, a person worth counting, a person worth hearing."

That message is a powerful one, and it's not lost on the people who are forced to hear it. We say that when people are released from prison we want them to get back on their feet, contribute to society, to be productive citizens, and yet we lock them out at every turn. We don't allow them to vote, we don't allow them to serve on juries, so you can't be part of a democratic process ...

Now, if we adopt this attitude, we can't pretend then to really care about creating safe communities.

–Michelle Alexander, professor of law at Ohio State University and author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*¹⁶

In 2013 and 2014, at least 10 of the 15 states that had been covered in whole or in part by Section 5 of the Voting Rights Act introduced new restrictive legislation that made it harder for minority voters to cast a ballot.¹⁷

Where does this leave the Voting Rights Act? The Supreme Court left it up to Congress to write new preclearance criteria, which Congress has not prioritized, but we lift up two potential solutions worthy of consideration in Part 3.

ACTIVITY

Watch profiles of the impact of new voter ID laws in Alabama, South Carolina, and Texas:

www.youtube.com/th?v=76QCbTRsG_M&feature=youtu.be

www.youtube.com/watch?v=qmZq4-pfGR4

www.youtube.com/watch?v=WrpLp4uWBU4

DISCUSSION QUESTIONS

- Have you been informed of any new voting laws in your area being enacted since the summer of 2013? If yes, discuss how those laws affect you or people in your community.
- Discuss the story of returning citizen (formerly incarcerated individual) Andres Idarraga. How has he sought forgiveness? Who has the power to forgive? What do we stand to gain as a society by making his citizenship whole again? <http://www.sentencingproject.org/stories/andres-idarraga/>

Resource: In October of 2015, American Progress hosted a webinar about the Voting Rights Act, what happened as a result of the Supreme Court ruling, and possible future directions for the country. Watch carefully for discussions about the Supreme Court ruling, the current laws being enacted in states, and steps that some members of Congress are hoping to take in the future.

www.americanprogress.org/events/2015/09/25/122091/give-us-the-ballot-the-modern-struggle-for-voting-rights-in-america/

¹⁵ "A Felony Disenfranchisement Primer," The Sentencing Project, February 2016, <http://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

¹⁶ Sarah Childress, "Michelle Alexander: A System of Racial and Social Control," Frontline, April 29, 2014

¹⁷ <http://lawyerscommittee.org/wp-content/uploads/2015/07/VRAA-Fact-Sheet-2015.pdf>

PART 2

TO DENY ANYONE A FAIR VOTE IS A SIN: A HISTORY OF VOTER SUPPRESSION

*"Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me."
(Matthew 25:40)*

FOUNDATIONS

The United States Constitution was initially silent on the right to vote, allowing each state to set its own voting standards and regulations. Unfortunately, states' laws were almost identically discriminatory—they reserved the right to vote for property-owning white men. Nonpropertied white men, along with women and slaves, were

largely denied the franchise.¹⁸ When we examine the history of voting rights, we can see some of the same sinister patterns repeating themselves in modern day.

It was not until 1868 that the US government extended citizenship to all persons born or naturalized in the United States, including recently freed former slaves, in

the form of the 14th Amendment. This was followed by the 15th Amendment in 1870, which prohibited federal and state governments from denying someone the right to vote based on a citizen's race, color, or previous condition of servitude. This certainly didn't mean that voting rights were granted universally, as women of any race were still barred from raising their voice in the democratic process, and access to the ballot was conditional for black men and poor white men.¹⁹ In addition, in 1882 Congress passed the Chinese Exclusion Act, which established restrictions on Chinese immigration and legally excluded Chinese persons from citizenship and voting.²⁰



© STEVE CARBOR, NYC, 2012



¹⁸ "Does the U. S. Constitution Guarantee Americans an Affirmative Individual Right to Vote?" The American Constitution Society for Law and Policy, <https://www.acslaw.org/acsblog/does-the-us-constitution-guarantee-americans-an-affirmative-individual-right-to-vote>

¹⁹ "African Americans and the 15th Amendment," Constitutional Rights Foundation, <http://www.crf-usa.org/black-history-month/african-americans-and-the-15th-amendment>

²⁰ <http://www.history.com/topics/chinese-exclusion-act>

THE RISE OF JIM CROW

Among the Reconstruction Amendments that were ratified after the Civil War, the 15th Amendment (1870) is the document still furthest from realization. Full voting rights had been theoretically granted to black males, but in Louisiana, where more than 130,000 black voters had been registered in 1896, the number had plummeted to 1,342 by 1904.²¹ This steep decline was precipitated by the withdrawal of federal troops from the old Confederacy and the swift reascent of white supremacist governments. With the same

ideology in power, Southern state governments created the sinister network of official and unofficial laws and practices that defined the Jim Crow South. When it came to voting rights, states codified literacy tests, property ownership requirements, poll taxes, moral character tests, and grandfather clauses. In combination with the direct threat of violence, and loss of property and jobs, these measures kept many African Americans off the voting rolls. In 1894 a white South Carolina newspaper argued that voting laws needed to be

amended, lest whites be swept away at the polls by the black vote. In 1901 Alabama amended its constitution to expand disenfranchisement to all crimes involving “moral turpitude” — a vague term that was applied to misdemeanors and even acts not punishable by law.²² These laws were also the first to disenfranchise felons, and many black citizens in the South were arrested on trumped-up charges for the express purpose of weakening the black electorate in the South.

VIOLENCE	Blacks who tried to vote were threatened, beaten, and killed. Their families were also harmed. Sometimes their homes burned down. Often, they lost their jobs or were thrown off their farms.
LITERACY TESTS	In the Jim Crow South, many people—black <i>and</i> white—were illiterate. Most illiterate people were not allowed to vote. A few were allowed if they could understand what was read to them. White officials usually claimed that whites could understand what was read. They said blacks could not understand it, even if they could.
PROPERTY TESTS	In the South at this time, many states allowed only property owners to vote. Many blacks had no property and could therefore not vote.
GRANDFATHER CLAUSES	People who could not read and owned no property were allowed to vote if their fathers or grandfathers had voted before 1867. No blacks could vote before 1867, so the grandfather clause worked only for whites.
ALL-WHITE PRIMARY ELECTIONS	African Americans were not allowed to vote in the Democratic primary elections. White Democrats said the Democratic Party was a “club” and did not allow black members.
PURGES	White officials would purge the voting rolls, taking people’s names off the official list of voters. Voters would not be informed their name had been taken off of the official list, and would arrive at the polls to find out that they could not vote. Often they could not register to vote again until after the election. These purges affected blacks more often than whites.
FELONY DISENFRANCHISEMENT	People who had gone to prison were often not allowed to vote, which is still the case in some states today. Blacks were often arrested on trumped-up charges or for minor offenses.
POLL TAXES	In Southern states, people had to pay a tax to vote. This significantly affected black and poor, white voters.

²¹ “White Only: Jim Crow in America,” <http://americanhistory.si.edu/brown/history/1-segregated/white-only-1.html>

²² Brent Staples, “The Racist Origins of Felon Disenfranchisement,” *The New York Times*, November 18, 2014, http://www.nytimes.com/2014/11/19/opinion/the-racist-origins-of-felon-disenfranchisement.html?_r=0

CIVIL RIGHTS MOVEMENT

As the civil rights movement gained steam over the 1940s and 50s, pressure built on reluctant politicians to realize the promise of the 15th Amendment (and later the 19th Amendment, which granted women the right to vote, but from which white women reaped disproportionate benefit) and to protect full enfranchisement for black citizens around the country. Black civil rights leaders built power over the summer of 1964 with Freedom Summer, a massive voter registration push in Mississippi.

1965 saw a massive organizing push by the Student Nonviolent Coordinating Committee (SNCC), the Southern Christian Leadership Conference (SCLC), Martin Luther King Jr., Malcolm X, John Lewis, and countless local strategists in Selma, Alabama. A series of marches from Selma to Montgomery were met by violent local gangs, mounted policemen, and zealous Alabama state troopers. On an event remembered as Bloody Sunday, Alabama troopers, determined to stop the marchers, pressed forward in readiness to attack. Governor George Wallace had approved the use of force, if necessary, to halt the march. What ensued was a brutal and sickening attack by police with tear gas, billy clubs, and night sticks on the unarmed marchers. More than 600 marchers were assaulted and 17



hospitalized on the first day of the march. White clergy from around the country flocked to take part in the marches, and white racists attacked several pastors, one of whom died from his head wound.

The violence in Selma compelled a resistant President Johnson to introduce a federal voting-rights bill. In a speech to Congress, Johnson introduced the bill and, using the language of civil rights singers, said, "*We shall overcome.*" The Selma-to-Montgomery voting campaign attracted national attention and the political pressure necessary for Congress to pass the Voting Rights Act in 1965.²³

The Voting Rights Act almost immediately changed the political landscape of the South.²⁴ In every Southern state, the percentage of black adults who were newly registered to vote rose above 60 percent within four years. By 1969, 12,000 black officials had been elected to office, with more than one-third of that number from the South. The law prohibited the use of literacy tests as a requirement to register to vote. It provided for recourse for local voters to federal oversight and intervention, plus federal monitoring of areas that historically had low voter turnouts to ensure that new measures were not taken against minority voters.²⁵ Most importantly, it provided for federal enforcement of voting rights.

²³ *Civil Rights, Voting Rights, and the Selma March*, http://www.amistadresource.org/civil_rights_era/civil_rights_voting_rights_selma_march.html

²⁴ "The Civil Rights Act of 1964: The Long Struggle for Freedom," Library of Congress exhibit, <https://www.loc.gov/exhibits/civil-rights-act/immediate-impact.html>

²⁵ James Cobb, "The Voting Rights Act at 50: How It Changed the World," *Time*, August 6, 2015, <http://time.com/3985479/voting-rights-act-1965-results/>

ACTIVITY 1: TAKE THE LITERACY TEST

With a small group in your congregation, follow this link and participate in a voting simulation based on real impediments from the Jim Crow South:

www.pbs.org/wnet/jimcrow/voting_start.html

On August 31, 1962, civil rights activist Fannie Lou Hamer and 17 other brave souls walked into the Indianola Courthouse in Mississippi to register to vote. Men with rifles in the back of their pickups circled the courthouse; the threat of violence was direct and immediate. “At that time, Mississippi required people *registering to vote* to interpret a randomly selected section of the state constitution, a complicated document. Prospective black voters inevitably failed the test, whether they were well-educated or not.²⁶ Forced off her land when her landlord demanded that she take her name off the voter registration list, Hamer was repeatedly jailed and beaten during her voting rights activities. “The only thing they could do to me was kill me,” Hamer said, “and it seemed like they’d been trying to do that a little bit at a time ever since I could remember.”²⁷

Ultimately, not one member of the group was allowed to register that day, but Hamer continued to organize with the Student Nonviolent Coordinating Committee and the Southern Christian Leadership Conference (including Dr. Martin Luther King Jr.) to help construct one of the most powerful people’s movements in recent history.

ACTIVITY 2: WATCH THE FILM SELMA

This 2014 film by director Ava DuVerney chronicles the tumultuous three-month period of the planning and execution of the march from Selma to Montgomery, Alabama, in 1965.

www.imdb.com/title/tt1020072/

ACTIVITY 3: ENGAGE PRESBYTERIAN HISTORY AND VOTING RIGHTS

- The Presbyterian Legacy series (www.youtube.com/watch?v=13oPALTpvFo) features firsthand accounts of African American Presbyterians who were active in the civil rights movement. These are not only our brothers and sisters in Christ—these are our fellow Presbyterians. In the series, Gayraud S. Wilmore talks about going to cities where riots broke out during the civil rights movement. He and others would go to these cities to try to meet with both the movement leaders and public officials to mediate and be of service while pressing the cause of equality.
- Eugene Carson Blake was a justice and ecumenism advocate who served as a pastor, stated clerk of the Presbyterian Church, president of the National Council of Churches, and general secretary of the World Council of Churches. Eugene Carson Blake became an active supporter and leader in the civil rights movement when he was arrested at the Gwynn Oak Amusement Park (www.history.pcusa.org/blog/eugene-carson-blake-arrested-july-4-1963). It was here that the Presbyterian Church transitioned from acceptance of civil rights work to engagement.

²⁶ Kay Mills, “Fannie Lou Hamer: Civil Rights Activist,” *Mississippi History Now*, <http://mshistorynow.mdah.state.ms.us/articles/51/fannie-lou-hamer-civil-rights-activist>

²⁷ “‘I Didn’t Know Anything About Voting:’ Fannie Lou Hamer on the Mississippi Voter Registration Campaign,” <http://historymatters.gmu.edu/d/6918/>

PART 3

BUILDING A MODERN MOVEMENT TO END VOTER SUPPRESSION

"Happy are those who observe justice, who do righteousness at all times." (Psalm 106:3)

"Learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow." (Isaiah 1:17)

CURRENT LEGISLATION

Two main legislative proposals have been made to improve voting rights, one perhaps stronger than the other. We compare them as follows:

The Voting Rights Advancement Act

On June 24, 2015, the Voting Rights Advancement Act (H.R. 2867/S.1659) was introduced in the House of Representatives and the Senate. The Voting Rights Advancement Act would require review of new voting laws of states with recent patterns of discrimination, ensure that last-minute voting changes would not adversely affect voters, protect voters from the types of voting changes most likely to discriminate against people of color and language minorities, enhance the capacity to apply preclearance review when needed, expand the effective Federal Observer Program, and improve voting rights protections for Native Americans and Alaska Natives. (Read more in detail at: <http://vrafortoday.org/current-legislation/>.)

Under the Voting Rights Act, states that had passed discriminatory voting laws in the age of Jim Crow

had to submit any new voting laws or practices to the Department of Justice for review. This was to ensure that no racial minorities would be discriminated against. In the 2013 case, the Supreme Court determined that the list of jurisdictions covered was out of date, hence rendering federal oversight unenforceable. Updating the preclearance formula would require majority re-designation of states that would need to submit new voting procedures to the Justice Department. The new Act would modernize the preclearance formula to keep it up to date and broaden its scope of potential review, lessening the onus on particular state jurisdictions.

The Federal Observer Program authorizes the federal government to provide observers to monitor whether people who are entitled to vote are being allowed to vote and that votes cast are properly counted. Under the current program, these observers are authorized to be sent to only some voting jurisdictions. Expanding the program would allow for federal observers to be able to monitor more locations

for the purpose of ensuring that federal laws are being followed. The Act is being championed by Senator Patrick Leahy, Representative John Lewis, and Representative Terri Sewell, all Democrats. In the House, the bill has 158 Democratic cosponsors. In the Senate, the bill has 39 Democratic, one independent, and one Republican cosponsors. Even though the bill has support and would likely pass Supreme Court muster, the Voting Rights Advancement Act is projected to have little chance in the current Congress of 2016.²⁸ The Voting Rights Advancement Act has been referred to a committee, which may or may not send it to the House or Senate as a whole.

The Voting Rights Amendment Act

On February 11, 2015, the Voting Rights Amendment Act (H.R. 885) was introduced into the House of Representatives. This bill would enhance the ability to apply preclearance review when needed, provide nationwide review and remedies for current discrimination, require greater transparency with

²⁸ Wesley Lowery, "Congressional Democrats to Introduce New Voting Rights Act Fix," *Washington Post*, June 23, 2015, <https://www.washingtonpost.com/news/post-politics/wp/2015/06/23/congressional-democrats-to-introduce-new-voting-rights-act-fix/quietumbrella626>

nationwide notification of new voting laws, expand the Federal Observer Program, and stop discriminatory voting changes before they take effect. (Read more in detail at: <http://vrafortoday.org/current-legislation/>.) The Voting Rights Amendment Act was also referred to a committee, which

will consider it before possibly sending it on to the House or Senate as a whole. The Voting Rights Amendment Act is being championed by Representative James Sensenbrenner, Jr. and has 84 Democratic and 13 Republican cosponsors. This Act has only a slightly higher chance of being

enacted. These acts may or may not pass within this Congress, but their ideals should not go away. In order to see the change necessary for a more inclusive voting process, we encourage advocacy on the following acts.

COMPARING THE VOTING RIGHTS AMENDMENT ACT AND THE VOTING RIGHTS ADVANCEMENT ACT

THE VOTING RIGHTS ADVANCEMENT ACT	THE VOTING RIGHTS AMENDMENT ACT
<ul style="list-style-type: none"> • Modernize which states have to submit new voting legislation to the federal government. This would require states with recent voting rights violations to be subject to review. After 10 years without violations, the state would not be subject to federal review. • Ensure that last-minute voting changes won't adversely affect voters. This would require jurisdictions to provide public notice of all changes to voting laws that occur within 180 days of an election. • Protect voters from the types of voting changes most likely to discriminate against people of color and language minorities. This would include: reducing the availability of voting materials in languages other than English, adding new barriers to voter registration or verification, and reducing, consolidating, or relocating polling places. • Expand the ability of the attorney general to send federal workers to observe different jurisdictions in order to ensure that fair practices are being followed. • Offer greater access to voter registration and voting on and off Native American reservations and ensuring the ballots are translated into all written native languages in jurisdictions. 	<ul style="list-style-type: none"> • Permit a federal court to use its discretion to order a review of new voting laws in jurisdictions. A federal court could determine which states are subject to federal review. • Any state that has had five voting rights violations in the past 15 years would be subject to having its voting laws be submitted for federal review before they could be enacted. • Require all states and counties to provide public notice of certain voting changes, such as: last-minute changes, changes to polling place resources, and redistricting. • Expand the ability of the attorney general to send federal workers to observe different jurisdictions in order to ensure that fair practices are being followed. • Enhance the ability of voters to challenge enacted laws. The court would block changes to voting laws pending federal review.

ADVOCACY METHODS

Contact your Legislators

While these pieces of legislation are current at the time of this document, that will not always be the case. Until a piece of legislation is enacted to protect minority voters, your legislators need to hear about your support of the ideals presented in these bills. Any calls, emailing, or advocacy with Congress on equal voting rights would be wise to draw on ideas from the Voting Rights Amendment Act and the Voting Rights Advancement Act. It is time to raise our voices and to call for voters to be protected from elected officials trying to maintain their power by exclusionary means.

Facilitate the democratic process

The tasks are practical:

- 1 Help register voters
- 2 Help voters get the required ID
- 3 Publicize information about polling locations
- 4 Provide transportation for members of your congregation and the communities in which you live. Ensure that seniors and others are able to get to the polls or to vote by absentee ballot.
- 5 *"Lift Every Voice"*, the resolution from the 218th General Assembly to affirm the 1965 Voting Rights Act, calls upon Presbyterians to volunteer to be poll watchers. A poll watcher is instructed on how to monitor activities at a local polling station to ensure the electoral process is fair and open to all registered to vote at that

station. The General Assembly has encouraged presbytery and synod representatives in their own areas to monitor local and state election laws, registration laws, and the use of voting machines to help ensure free, fair elections for all.

Examples of organizations that can help with all of these actions follow in the next section.

Combat the feeling of powerlessness

We must stand firmly in the tradition of Jesus, Amos, Isaiah, and Hosea, who chastised those who neglect matters of justice and mercy. We are all a part of the struggle for racial equality and for an end to voter suppression. David LaMotte is an award-winning songwriter, speaker, and author. In his book *Worldchanging 101: Challenging the Myth of Powerlessness* he states,

"Movements are more effective than heroes. And movements don't need lots of leaders; they need lots of participants. In the end, the real power lies with us: normal people making small decisions to engage." We idolize the heroes of past movements, but those people were just brave people taking small actions that gathered momentous support. LaMotte goes on to further explain, "We are often immobilized by the enormity of problems we face. We sit still because we can't imagine doing anything on a large enough scale to have meaningful impact. We think that large problems demand large efforts at correction, and that's true. But we forget that those large efforts are almost always made up of millions of small efforts. Perhaps your small contribution is essential to a large-scale change."



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RESOURCES FOR MOVEMENT-BUILDING

To build this movement, we must listen openly and honestly to the experiences of others, especially those who are presently engaged in the work. In order to better understand the struggle, we must deepen our commitment as people of faith to listen to the stories of people disenfranchised by the voting system.

The Moral Mondays Movement

The Moral Mondays Movement began in 2013 as a protest against a series of harmful legislative measures passed by the North Carolina state government involving voting rights, the environment, tax changes, racial justice, reproductive rights, public education, and cuts to social programs. It all began when Rev. William Barber, II led a small group of clergy and activists into the North Carolina state legislature, singing “We Shall Overcome,” and blocking the doors to the Senate chambers. This small group inspired others to join in. The next Monday more than 100 protesters showed up at the Capitol. Over the next few months, the weekly Moral Monday protests drew thousands of participants not only in Raleigh, but also in towns across the state of North Carolina. The Moral Mondays Movement has also spread to Georgia, Florida, Missouri, and Indiana. Rev. Barber is also involved in training organizers in lessons that they can learn from the Moral Mondays Movement. This small march by faith leaders led to a movement that has now spread across multiple states in order to

fight injustice. <https://twitter.com/moralmondays?lang=en>

Showing Up for Racial Justice

Great movements need allies, and one organization working to develop those allies is Showing Up for Racial Justice (SURJ). SURJ works by moving white people to act as a part of a multiracial majority for justice with passion and accountability. SURJ works to connect people across the country while supporting and collaborating with local and national racial justice organizing efforts and provides a space to build relationships, skills, and political analysis to act for change. [Surj.org](http://surj.org)

Rock the Vote

Since 1990, the nonprofit organization Rock the Vote has been working to register young voters. Rock the Vote uses pop culture, music, art, and technology in order to inspire youth to become more politically involved. <http://www.rockthevote.com/>

Project Vote

Project Vote’s Election Administration program investigates—and when necessary—initiates legal action to protect the rights of voters.

Election Protection

The nonpartisan Election Protection coalition was formed to ensure that all voters have an equal opportunity to participate in the political process.

Alliance for Justice

The Alliance for Justice is the leading expert on the legal framework for nonprofit advocacy efforts, providing information, resources, and assistance so organizations fully exercise their right to be active participants in the democratic process.

The Lawyers’ Committee Voting Rights Project

The Lawyers’ Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar’s leadership and resources in combating racial discrimination and the resulting inequality of opportunity.

Cost of Freedom Project

The Cost of Freedom Project is a nonpartisan, citizen-led initiative that has developed location-based apps to provide voters with information on photo ID requirements for all 50 states and the District of Columbia.

New Era Colorado Foundation

Founded in 2006 by a small group of college graduates, the New Era Colorado Foundation aims to bring young people into politics throughout the state. Its voter registration and turnout programs achieve some of the highest voter turnout rates of voter registration drives across the country. The New Era Colorado Foundation has registered over 100,000 young people to vote across the state. <http://neweracolorado.org/>

RESOURCES AND SUGGESTED READING

- Looking at evidence of voter fraud:
<https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf>
- Resources from the Leadership Conference on Civil and Human Rights:
<http://www.civilrights.org/voting-rights/?referrer=https://www.google.com/>
- Voting rights resource from the United Church of Christ:
<http://uccfiles.com/pdf/SCOR-and-Voting-Rights-2012-Fall.pdf>
- *The Bill of the Century: The Epic Battle for the Civil Rights Act*, Clay Risen
- Experts opinions on achieving a colorblind society:
http://www.pbs.org/race/000_About/002_04-experts-03-01.htm
- History of the Presbyterian Church and Martin Luther King Jr.:
<http://www.history.pcusa.org/history-online/exhibits/martin-luther-king-jr-page-2>
- *Worldchanging 101: Challenging the Myth of Powerlessness*, David LaMotte
- Moral Mondays Movement:
<http://www.motherjones.com/politics/2014/04/william-barber-moral-monday-north-carolina>
- A toolkit for faith communities working on voting rights issues:
<https://lawyerscommittee.org/wp-content/uploads/2015/07/0381.pdf>
- A one-pager on 10 ways to protect voting rights:
<https://lawyerscommittee.org/wp-content/uploads/2015/07/0406.pdf>
- Links to the National Commission on Voting Rights 2014 report on voting discrimination:
<http://votingrightstoday.org/ncvr/resources/discriminationreport>
- Voter suppression resources for faith leaders from PICO:
<http://www.piconetwork.org/pages/voter-suppression>
- <https://www.census.gov/content/dam/Census/library/publications/2015/demo/p25-1143.pdf>
- “The GOP War on Voting,” *RollingStone*:
<http://www.rollingstone.com/politics/news/the-gop-war-on-voting-20110830> (November 10, 2015)
- Contreras, Raoul Lowery: “The New American Majority: Hispanics, Republicans, & George W. Bush: Accession to the White House”:
<https://books.google.com/books?id=Xzq9nVovS7kC&pg=PA20&lpg=PA20&dq=hispanics+surge+to+george+w+bush&source=bl&ots=DzUcMNs0uA&sig=c1qkkkf654-vlBDK7zCLKsdgtrs&hl=en&sa=X&ved=0ahUKewitlfiR-ZDLAhVCbD4KHXCiC4AQ6AEIPjAF#v=onepage&q=hispanics%20surge%20to%20george%20w%20bush&f=false>
- <http://vrafortoday.org/current-legislation/>
- <http://www.theguardian.com/commentisfree/2013/jul/31/felon-voting-rights-impact-on-elections>
- http://kingencyclopedia.stanford.edu/encyclopedia/documentsentry/doc_pauls_letter_to_american_christians.1.html

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