



'I Have A Right to Vote' & Exploring Current Issues of Voting Rights in the United States

Note: This assignment is designed to be given after students have viewed the video of the voting rights anthem, ["I Have A Right to Vote."](#) Ideally, it will be assigned after they have also [watched the short interview with composer and director Nolan Williams Jr.](#)

Directions:

Have students read the document assigned to them and answer the following questions about the document. Students should be prepared to report back on these questions to the class, keeping in mind they will not all have read the same document.

1. What is this document, and what is/was its purpose?
2. What is the problem or issue addressed in this document?
3. How does this document address a solution to the problem or issue? Does it do it through public policy, citizen engagement, other government action, or some combination of all three?

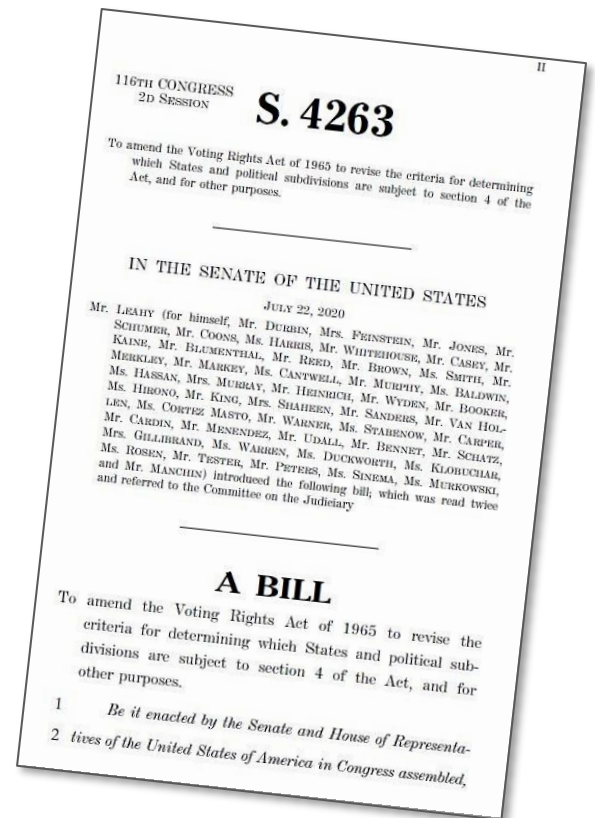
Source #1:

A One-page Summary of S. 4263 - John Lewis Voting Rights Advancement Act

This one-pager was prepared by the office of Sen. Patrick Leahy (D-VT). Senator Leahy was the primary sponsor of the bill in the Senate. He introduced it on July 22, 2020, with 47 other co-sponsors. It is currently awaiting further action by the Senate Judiciary Committee. An identical bill passed 228-187 in the U.S. House of Representatives on December 6, 2019. The House version was later renamed the John R. Lewis Voting Rights Act of 2020 in honor of Representative John Lewis of Georgia.

Read the [One-page Summary of S. 4263 – John Lewis Voting Rights Advancement Act](#) and answer the following questions about it. Be prepared to report back on these questions to your classmates, keeping in mind they will not all have read the same document as you.

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Source #2:

'Preclearance,' the Voting Rights Act of 1965, and the 2013 Supreme Court case of *Shelby County, Alabama v. Holder*

This background text on the Voting Rights Act of 1965 and the U.S. Supreme Court's Shelby County v. Holder decision is based on the article "The Voting Rights Act of 1965 and the U.S. Supreme Court" by Gail Frommer, Esq., from the Summer 2015 issue of CRF's magazine, [Bill of Rights in Action \(vol. 30, no. 4\)](#), and on the Supreme Court's [decision](#).

One of the most famous quotes by Supreme Court Justice Ruth Bader Ginsburg, who died on September 18, 2020, is this statement: "Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet."

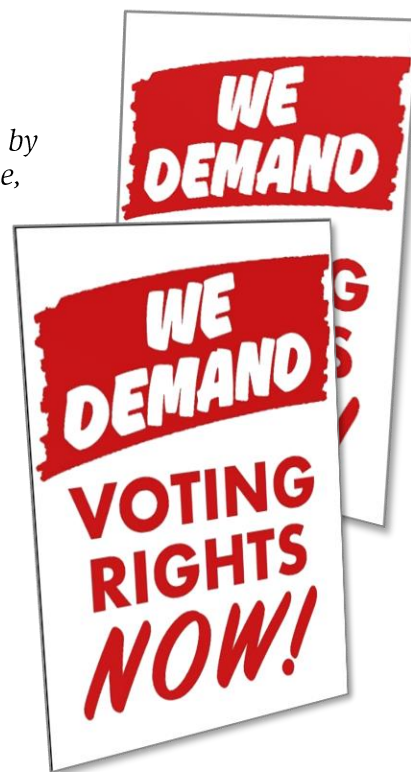
What is "preclearance"? What "discriminatory changes" did it work to stop? And why did Justice Ginsburg say anyone was "throwing it out"? To answer these questions, we have to first go back in U.S. history — to the 1950s and 60s and even the 1870s.

One of the main goals of the civil rights movement of the 1950s and 1960s (though the work had started long before then) was making sure that the voting rights of African Americans were respected and protected. The 15th Amendment to the Constitution granted these rights to formerly enslaved people in 1870. But the rights were systematically denied to Black people after Reconstruction ended in 1877.

Following decades of protest and legal challenges by Black people, and violent opposition from white supremacist authorities in (mostly) Southern states, the U.S. Congress passed the Voting Rights Act of 1965 (VRA). President Lyndon B. Johnson signed the bill into law. It was an extremely effective tool in stopping state and local officials from discriminating against African American voters, as well as voters from other ethnic or racial minority groups.

One of the most important parts of the VRA was that it required "preclearance." This rule said that any state or locality (such as a city or a county) that had a history of racially discriminatory patterns and practices was required to get preclearance, or permission from federal authorities before changing any voting rules or requirements. The purpose of preclearance was to make sure that any locality that had a history of racial discrimination against voters could not create new rules that would racially discriminate against voters. And the government looked hard at proposed changes: Between 1982 and 2006, the Justice Department denied preclearance to more than 700 voting changes after determining that they were discriminatory.

Because of the way the VRA was written, Congress had to reauthorize it over the years. This meant they had to see how it was working and then vote on it again in order to keep it as a law. After the VRA was reauthorized in 2006, Shelby County, Alabama, challenged the law. Shelby County was one of the areas required to get preclearance for any voting changes. The county went to court, claiming that key parts of the VRA, including the part that required preclearance, were unconstitutional. They also argued that the way the law decided which areas or places had to get preclearance was unconstitutional.



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In 2013, the case made it to the U.S. Supreme Court. The case was called *Shelby County, Alabama v. Holder*. (Eric Holder was the U.S. attorney general at the time, so he was responsible for enforcing the VRA.) The court had to decide this issue: Does the way in which the VRA decides which localities need preclearance actually fulfill the 15th Amendment? If not, the part of the VRA describing the “formula” for determining preclearance is unconstitutional.

The court decided 5-4 in favor of Shelby County. The majority opinion, written by Chief Justice John Roberts, was that the way the VRA decided which localities needed preclearance was unconstitutional. In effect, this got rid of preclearance itself. The court stated that preclearance must be justified by a showing of current needs. The majority said that conditions for Black voters in the places covered by the VRA had improved so much that they didn’t need the rules of the VRA anymore.

Justice Ginsburg stated her umbrella analogy in her dissenting opinion in the *Shelby County* case. (The dissent is the Supreme Court minority’s disagreement with the majority’s decision.) Representing herself and the other dissenters, she argued that deciding whether or not to keep the VRA was a matter for Congress to decide, not the court. But since the court was weighing in on the law, she criticized the majority’s reasoning. Her main criticism was that some conditions for African Americans’ voting rights in the places covered by the VRA had improved *because* of preclearance. Doing away with preclearance was setting up the real possibility for what she called “backsliding” to the discriminatory practices of the past.

Read ‘Preclearance,’ the Voting Rights Act of 1965, and the 2013 Supreme Court case of *Shelby County, Alabama v. Holder* and answer the following questions about them. Be prepared to report back on these questions to your classmates, keeping in mind they will not all have read the same document as you.

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Source #3:

Excerpt from Essay by the Honorable John Lewis (D-GA), 'Together, You Can Redeem the Soul of Our Nation'

Congressman John Lewis was a youth leader during the civil rights movement and a lifelong advocate for voting rights. He died on July 17, 2020, at the age of 80. This essay was [published in The New York Times](#) on the day of his funeral, July 30, 2020.



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. . . Like so many young people today, I was searching for a way out, or some might say a way in, and then I heard the voice of Dr. Martin Luther King Jr. on an old radio. He was talking about the philosophy and discipline of nonviolence. He said we are all complicit when we tolerate injustice. He said it is not enough to say it will get better by and by. He said each of us has a moral obligation to stand up, speak up and speak out.

When you see something that is not right, you must say something. You must do something. Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself.

Ordinary people with extraordinary vision can redeem the soul of America by getting in what I call good trouble, necessary trouble. Voting and participating in the democratic process are key. The vote is the most powerful nonviolent change agent you have in a democratic society. You must use it because it is not guaranteed. You can lose it.

You must also study and learn the lessons of history because humanity has been involved in this soul-wrenching, existential struggle for a very long time. People on every continent have stood in your shoes, through decades and centuries before you. The truth does not change, and that is why the answers worked out long ago can help you find solutions to the challenges of our time. Continue to build union between movements stretching across the globe because we must put away our willingness to profit from the exploitation of others.

Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide.

Read **Excerpt from Essay by the Honorable John Lewis (D-GA), ‘Together, You Can Redeem the Soul of Our Nation’** and answer the following questions about it. Be prepared to report back on these questions to your classmates, keeping in mind they will not all have read the same document as you.

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