

Jesse Jackson, Jr.

Congressman, Second Congressional District of Illinois



The Constitutional Right To Vote (NNPA)

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THE CONSTITUTIONAL RIGHT TO VOTE

by Ron Walters, NNPA Columnist (National Newspaper Publishers Association)

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The election of 2004 tells us at least one thing: our right to vote is not secure and so we need a federal right to vote with standards and the enforcement of those standards by the attorney general of the United States, rather than the patchwork, chaotic and unequal administration by states that we now have.

The lack of the integrity of the American system of elections is as suspect as the recent Ukrainian election that brought out hundreds of thousands of people into the streets there. It also prompted President Bush to issue a statement characterizing the election as corrupt and poorly administered. He could have said the same thing about each of his own elections.

I applaud Rep. Jesse Jackson Jr. for the vision to demand that there be an amendment to the Constitution that wipes away all ambiguity about the right to vote, even though there are legal scholars who assert that it exists, buried in the bowels of one arcane court decision or another. However, I also know that as of the last election, 31 of the governors in the 50 states are Republican, representing a party that has shown a peculiar fondness for states' rights in this era of history. So a Constitutional amendment that takes away the right of the political officials in their states to "administer" the elections would no doubt be opposed.

A case in point is the secretary of state in Ohio, Kenneth Blackwell, a Black Republican. Blackwell who, it has been reported, desires to run for governor, did everything that he could in that state to influence the election for George Bush. Initially, he proclaimed that voter registration forms would not be considered legal unless they were on 80-pound paper stock, a position that was reversed in the face of a public outcry.

He also ruled that people could not fill out provisional ballots in any other precinct than that in which they resided. And his underlings routinely instructed ex-felons that they could not vote - until the courts ruled otherwise. So onerous were his actions that at one point, a demonstration against him was held by various progressive groups involved in voter registration.

And that is the point, for a movement to obtain the right to vote to be successful, as I have previously said, it will take a citizens' movement to overcome the entrenched political power in the states, not only in the governor's mansions, but in the statehouses

and election boards. But such a movement to obtain a federal right to vote is warranted by the fact that we already have some federal laws that are being ignored.

A federal right to vote would bolster the enforcement of the Voting Rights Act. I am still wondering why the Republican programs around the country that stationed thugs in the polling stations to challenge the voting credentials of potential voters is not subject to the Voting Rights Act protections. The Voting Rights Act clearly prohibits any act by any individual that would intimidate potential voters or have the effect of diluting the Black vote.

The federal right to vote would also bolster the enforcement of the Help America Vote Act (HAVA) that is being administered by a new commission that will set up standards to monitor voting machines. Right now, who knows what these machines are doing?

There are reports that there were 1,100 irregularities in vote counting by the machines and that in heavily Black areas of Oklahoma City and Palm Beach, Fla., some voting machines reached a prescribed number of votes and then began counting backward, with most of the tally favoring Bush. Each state has a HAVA plan which mandates committees to monitor election procedures as required by law, and Blacks need to get on those committees

A federal right to vote would bolster the National Voter Registration Act (the Motor Voter law) that prescribes standards for voter registration activities, prohibits voter intimidation and gives the attorney general powers to intervene where voter irregularities occur. I have not seen this law invoked, because the administration of elections is subject to administration by state officials and a corrupt Justice Department.

Why do I say corrupt? Let's face it. Where there is an attorney general like John Ashcroft, there will not be much fair administration of the election system, because he was more interested in rooting out "voter fraud" - and there is such a thing - rather than balancing this objective by also taking aggressive steps to protect the right to vote.

To me, an administration where protecting the right to vote is not a priority and where there is a one-sided concern with administering the law in a manner that advantages the attorney general's own political party is corrupt. How can such an administration turn its face to the world with any integrity and say that it is promoting "democratic elections" in Iraq when it doesn't support them here? Our foreign election observers were too polite to comment on this.

Therefore, let us enhance the power of the Voting Rights Act at its 40th anniversary in 2005 by beginning a movement for the federal right to vote.

Ron Walters is the Distinguished Leadership Scholar, director of the African American Leadership Institute in the Academy of Leadership and professor of government and politics at the University of Maryland-College Park. His latest book is "White Nationalism, Black Interests" (Wayne State University Press).

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