



Justice Talking Radio Transcript

The Voting Rights Act: Past, Present and Future – Airdate Oct. 3, 2005

In 1965, thousands of civil rights activists mobilized to protest against literacy tests, poll taxes and other discriminatory practices that had prevented African Americans from voting. This summer in Montgomery, Alabama a number of these activists gathered to celebrate the 40th anniversary of the Voting Rights Act and to remember the struggle that was required to make the country protect this most basic right for all Americans. In a special collaboration with Court TV, Justice Talking was there to capture this retelling of an important chapter of our history. Also on the program, we'll hear a debate over the upcoming reauthorization of the Voting Rights Act.

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MARGOT ADLER: From NPR, this is Justice Talking.

LYNDON B. JOHNSON: They came in darkness and they came in chains and today we strike away the last major shackle of those fierce and ancient bonds.

FEMALE SPEAKER: It was something to behold to see that at this time the federal government was on our side, that we indeed are first class citizens, which was symbolized by the right to vote.

MALE SPEAKER: You see the denial of the right to vote was not just a political tactic—it was a part of a dehumanization process of black people. Black people were not human and so they weren't entitled to the right to vote.

MARGOT ADLER: I'm Margot Adler. Coming up, a look at the history of the Voting Rights Act and is it relevant today? Stay with us.

MARGOT ADLER: This is Justice Talking, I'm Margot Adler. The fight for civil rights came to a head in the mid-1960s. By 1965, the barriers to voting for African-Americans could no longer be ignored by Congress. The federal government stepped in to enforce the Fifteenth Amendment's promise of the right to vote regardless of race. The Voting Rights Act of 1965 was a remedy to the systematic discrimination against blacks in many southern states that kept them from being able to register to vote. But three sections of this historic act will expire in 2007 unless they are renewed by Congress. We'll talk more about this later in the program, but first I wanted to get a better understanding of the history of the Voting Rights Act. I called Alex Keyssar, a professor of history and social policy at Harvard University's Kennedy School of Government. His most recent book is *The Right to Vote: The Contested History of Democracy in the United States*. Thank you for joining me Alex.

ALEX KEYSSAR: Thank you for having me on the show Margot.

MARGOT ADLER: I'd like to start by asking you to set the stage for the Voting Rights Act of 1965. What led to this and why did our country need this legislation?

ALEX KEYSSAR: I think we need to go back to the period just after the Civil War when the Fifteenth Amendment was passed by Congress and ratified by the states and what the Fifteenth Amendment did was to ban discrimination in voting based on race, color or previous condition of servitude. In some ways, technically, that should have enfranchised African-Americans. And in the South, for the next ten or fifteen years, many African-Americans were enfranchised, they did participate in all or most elections. But late in the 19th century that was reversed so white "redeemer" governments in the South came to power and they began to disfranchise African-Americans using a variety of legal devices that we all read about in our high school history courses, literacy tests, poll taxes and in many cases white primaries within the democratic party in which only white people could participate.

What this did affectively was to nullify the Fifteenth Amendment and that's the way that things stayed for most of the next sixty or sixty-five years. There was some legal progress made. After World War II, there were thousands and thousands of African-Americans who did become registered to vote and were enfranchised but most were not. That was the stage on which the Voting Rights Act appeared. What the Voting Rights Act is in many ways, is an enforcement act saying that the federal government of the United States will enforce the Fifteenth Amendment, which had been passed almost a century earlier.

MARGOT ADLER: I think for people growing up today, I think it's very hard for them to even comprehend what it was like in certain parts of the country, let's say the Mississippi Delta, the deep South, even in 1965, the palpable fear. You could actually be murdered for registering, correct?

ALEX KEYSSAR: You could be and people were. One of the things that happened repeatedly, particularly after World War II, were scenes where young African-Americans

in particular, and in some of the most horrific cases African-Americans who were veterans of World War II, came back and said they were going to register to vote and they would try to register and they would be severely beaten. People would come to their houses and in some cases, they were killed.

MARGOT ADLER: So what did the Voting Rights Act mandate?

ALEX KEYSAR: What the voting Rights Act did was to make some general declarations that yes we will enforce the Fifteenth Amendment and race is not a reason to disfranchise anybody. But what it did more significantly was that it sent in federal officials into areas that were ended up being called the “covered areas”: areas where turnout had been low and there was some statistical reason to believe there had been discrimination based on voting. It sent in federal marshals who were empowered to guarantee in one way or another that African-Americans could register to vote. The Voting Rights Act in many respects is very similar to an act that was drawn up in 1890, seventy-five years earlier, that was introduced into the Congress. It was an act called the Lodge Force Bill, which sought to do the same thing for the same reasons. It lost by just a couple of votes, so it's not like this was a brand new idea of the 60's, this is finally fulfilling a long standing promise.

The second thing that...the second major thing that the Voting Rights Act did was to create a mechanism to prevent southern states and counties with a history of discrimination from developing new mechanisms of avoiding the Fifteenth Amendment. This is what is called the pre-clearance provision of the Voting Rights Act. What it meant was that any city, county, state that changed its election laws in any significant way had to have that change approved by federal courts or by the Civil Rights Division of the Justice Department.

MARGOT ADLER: You've mentioned the South, but the Voting Rights Act specifically addressed voting in particular states and it was an odd assortment, you know, it included Alaska, Michigan, Alabama, Arizona, and New Hampshire. What was the reason for this?

ALEX KEYSAR: The reason in each of those places was that there were indicators, statistical indicators, that there was a minority there of one sort, Native Americans for example, that was having difficulty registering to vote. In a later version of the Voting Rights Act, but even the '65 version also addressed circumstances in New York. New York in 1965 had an English language literacy requirement to vote.

MARGOT ADLER: There is a current debate about whether the Voting Rights Act extensions were supposed to be temporary or permanent. Forty years later why is this still an issue?

ALEX KEYSAR: The Act was extended at several different junctures. It was extended in 1970, 1975, 1970 for five years and 1975 for seven years and then in 1982 for 25 years. I think that what has become the issue now is whether federal supervision of the election process and the administration of elections is still required or whether, as some people

would say, that in fact things have changed enough so that there is no longer a need for this federal intervention into an area. And this is an important backdrop to this, to an area elections...an elections administration and election law that has traditionally been the domain of the states.

MARGOT ADLER: So in 2007, three parts of the Voting Rights Act will expire unless Congress votes to renew them. Now clearly this controversy, at least from what I've been reading is splitting down a bit according to party lines with Democrats very much wanting reauthorization and some Republicans not, or am I wrong?

ALEX KEYSAR: I think you are quite right that there is a split along party lines although I think that there are other splits that are less along party lines. I think that for example, even within the voting rights and civil rights community there is not unanimity about what should be done. Whether, for example, the Voting Rights Act in its current form or something very close to it should be reauthorized or whether it should be altered in significant ways. I think that many Republicans do think that the time for federal intervention is over but I'm not sure that there aren't splits within the Republican Party as well.

MARGOT ADLER: And as you look at the Voting Rights Act and what's going on, what do you see as the real arguments here?

ALEX KEYSAR: A contest continues to go on in many different places and different forms between people who would like to encourage everyone to be registered and to participate in politics and people who are trying to raise the barriers to it. For example, the State of Georgia just passed a new photo ID requirement that people have to be able to meet in order to vote and some people have referred to this as a new poll tax, that it creates a new barrier. If you have a driver's license, it's no problem. But it is a problem for people who don't have driver's licenses who are overwhelming the elderly poor.

MARGOT ADLER: Will we always need the Voting Rights Act to ensure fairness and equity in voting in America?

ALEX KEYSAR: I think that we will always need some federal and national legal apparatus and supervision to guarantee that the voting rights of all American citizens are protected. I think that it is the case or the historical case when I look at it is that in many different areas there are unpopular and relatively powerless groups of people that are potential victims of disenfranchisement and that local authorities are not going to protect them and thus that becomes the job of federal government.

MARGOT ADLER: Alex, thank you for giving us this background on the Voting Rights Act.

ALEX KEYSAR: You are welcome.

MARGOT ADLER: Alex Keyssar is a Professor of History and Social Policy at Harvard University's Kennedy School of Government. His most recent book is *The Right to Vote: The Contested History of Democracy in the United States*.

MARGOT ADLER: In August, Justice Talking and Court TV teamed up to commemorate the 40th anniversary of the Voting Rights Act in Montgomery, Alabama. Thousands of men and women demanded the nation to end the voter discrimination facing African-Americans in the South by marching from Selma to Montgomery. Dr. Gwen Patton is a civil rights activist and was one of the teenagers who joined the march.

GWEN PATTON: As a teenager coming to Montgomery and working with Rufus Lewis as a youngster who was the father of our voting rights movement and people would go vote in May. But only white people, it was called the white primary. Black folks could not even vote in the primary system, but we could vote in November. But we had no say-so as to who were the candidates. The Voting Rights Act wiped all of that out. We also saw not...the Voting Rights Movement was not just for black people. When you got rid of the poll tax then poor white people could vote. Indeed, when you got rid of the poll tax...white women could vote, because you see the husbands paid the poll tax for their wives and then told the wives who they should vote for. But now there's no poll tax, women didn't have to try to figure out how to raise money for that. So it was just an incredible situation.

MARGOT ADLER: Dr. Gwen Patton is a civil rights activist and an archivist at Trenholm State Technical College. Coming up, the reauthorization of the Voting Rights Act. Stay with us.

MARGOT ADLER: To mark the 40th anniversary of the historic voting rights march, Justice Talking with Court TV hosted a program in Montgomery, Alabama. Many civil rights leaders from that time were there to tell their stories. Amelia Boynton Robinson tells what it was like in 1965 to fight for the right to vote.

AMELIA ROBINSON: You know it's something that people might read about but it's nothing like having been involved in it. Because of the fact that we had fought to get people registered, I became a registered voter in 1933 when I became 21 years old, nearly 22 years old. And during that time they decided they weren't let any more African-Americans register to vote. And because of the fact that we were getting people to fill out those applications even by lamp light in the rural district, the house became a place where people were afraid to come. The telephone became a nuisance, every five minutes, get out of town.

This is a time that we were getting people to register and vote. Get out of town, your house is going to be burned. My husband had three strokes before the last stroke and the place where Dr. King came into my office, a man came in to beat him up. He went to the hospital for the last time and he never came out alive again. But that made me determined that we're going to carry on. But you know what makes me feel so good is these young people, these young people took up the hammer and to this day I go from

Europe to Asia, from Asia to Africa, from there to the United States of America, I work with young people and it makes me proud, I'm nearly 100 years old. And I'm very proud...young people, keep it up, continue and try your best to make this country what it should be. Thank you.

MARGOT ADLER: In 1999 Amelia Boynton Robinson was awarded the Martin Luther King Junior Freedom Medal honoring her lifelong commitment to human rights and civil rights.

MARGOT ADLER: This is Justice Talking, I'm Margo Adler. This past summer marked the 40th anniversary of the Voting Rights Act. This law has had a profound affect on America, but three sections of this historic act will expire in 2007 unless they are renewed by Congress. We'll talk more about this in a few minutes. First I want to introduce Abigail Thernstrom and Ronald Walters. Abigail Thernstrom is the Vice Chair of the U.S. Commission on Civil Rights. She is an author of several books looking at race in America, including *Whose Votes Counts?: Affirmative Action and Minority Voting Rights*. Ronald Walters is the Director of the African-American Leadership Institute and Professor of Government and Politics at the University of Maryland. His most recent book is *Freedom Is Not Enough: Black Voters, Black Candidates and American Presidential Politics*. Abigail, Ronald, thanks for joining me today.

RONALD WALTERS: Thanks.

ABIGAIL THERNSTROM: Thanks very much for having us and I'm delighted to be with Ronald Walters.

MARGOT ADLER: The Voting Rights Act of 1965 has been called one of the most effective pieces of legislation in American history. Do you both agree? Let's start with you Abigail.

ABIGAIL THERNSTROM: Oh absolutely! It transformed, along with the '64 Act, a region that was really hardly different from South Africa under apartheid and 95 years late it enfranchised Southern blacks. In Mississippi, Mississippi was the worst state, it's true, less than seven percent of eligible blacks were registered to vote in 1965 when the Act was passed. The percentage was higher in other states, but it was still very low and the amazing thing about the Voting Rights Act is how quickly southern resistance collapsed in the face of this beautifully designed legislation. A very, very different story than *Brown vs. Board* for instance, where 14 years after the decision you still in the Deep South, had basically no integrated schools.

MARGOT ADLER: Ron?

RONALD WALTERS: Yes I agree with Abigail about that. It eliminated a number of the barriers that had been extent for almost 100 years and what it did was to actually narrow the gap between black and white political participation in America. It was at most 40

percent in 1964 at the time of the passage of the act in '65. But today in the 2000 election you've got a difference of about three percentage points between blacks and whites in registration about the same in voting. That moved up a little in 2004, but I think we can say that roughly speaking, blacks are pretty much caught up with whites in terms of political participation. That voting power has resulted in the election of a number of black officials. At the time of the passage of the Act, we had something like 78 in the South, I think overall about 300, but today there are nearly 10,000...still not enough...still only three percent of a total, but marked progress, largely because of the Voting Rights Act.

MARGOT ADLER: Ron, are there still systematic barriers to voting for minorities or other groups?

RONALD WALTERS: Yes there are still systematic barriers. We found I think in the 2002 election cycle, 2000 and 2004, that many things that we thought had been put to rest by the Voting Rights Act were still around. Certainly African-Americans are still intimidated in voting booths. Sometimes before they get there by police, but sometimes when they get there by people who want to monitor their vote, check their ID. We still get the wrong information. We are still subject to having voting places moved at the last minute and not being informed. We still have ballot boxes that come up missing. So we still have a number of voting irregularities now, and I think in 2000 there was a study by Caltech, MIT, which suggested that altogether, there are four to six million votes in America that were invalidated and fully 40 percent of those or more belong to African-Americans. So we still have a long way to go.

ABIGAIL THERNSTROM: There is no such thing as a perfect election and what I'm most struck by is that these problems are nationwide. I mean they can crop up in obviously Florida counties, the famous hanging chad counties and so forth, which aren't actually what's called covered by the special provisions of the Voting Rights Act. They are covered by permanent provisions but they are not covered by the main provision that expires in 2007 or in Cleveland, Ohio there were problems and so forth. I don't mean to belittle the ongoing problems that we have that don't affect simply black voters, but white voters as well, but it seems to me that they are nationwide and that they are not 15th Amendment violations certainly not confined to those jurisdictions that the Voting Rights Act targeted. The Voting Rights Act is a 15th Amendment statute.

MARGOT ADLER: This is Justice Talking and I'm Margot Adler. It's been 40 years since the Voting Rights Act became law. To find out more about the VRA and how it's changed our country, we're talking with Abigail Thernstrom who wrote *Whose Votes Count? Affirmative Action and Minority Voting Rights*. We are also joined by Ronald Walters, author of *Freedom Is Not Enough! Black Voters, Black Candidates and American Presidential Politics*. Let's go right to that question of Section Five of the Voting Rights Act, the most contentious section. Ron, why don't you start by just telling us about Section Five and what is at stake.

RONALD WALTERS: Well Section Five is one of the most important sections of the Act that says in effect...we said at the time that those areas and southern states in 1964, that election, which had less than 50 percent of black population registered, came under the Act, which meant that before they could change their election processes, they had to submit them to the Department of Justice for approval. That is still the case. These "covered" jurisdictions, as Abigail said, in nine states and seven other states where there are other various counties still have to submit their changes of the election procedures to the Justice Department. The Justice Department evaluates them to make sure that they comply with Section Two of the Act, which is to say the African-American or the Hispanic vote is not diluted...not watered down...not changed. And so that's the reason for having the safeguard. It's an important safeguard because as I said, some of these changes are apt to pose new barriers to political participation. Let me just say one reason why, and that is that we live today in one of the most polarized eras of American politics. This era, like no other in the last 30 to 40 years, has battleground states as a definition of our elections, the most polarized voting that we have ever had in the Houses of Congress, and so to lift a provision like that in this era where we have such tremendous competition for election between the two major parties, I think would be disastrous, because a lot of that is done to advantage one party or another. These provisions are not simply idle Democratic provisions. They are passed to advantage one party or another.

MARGOT ADLER: Abigail, you don't think Section Five should be reauthorized or at least not as it is currently written. Why not?

ABIGAIL THERNSTROM: Yeah... no, I don't think the pre-clearance provision which is really draconian intrusion into local and state electoral affairs should be renewed, or if it's renewed it should be extended to the whole country because Bull Connor is dead. This south is no longer...no longer has the same racist profile when it comes to American politics that it did four decades ago. Four decades is a very long time in American politics and it has turned out to be very long time in the development of altered racial climate in this country.

MARGOT ADLER: So Ron, what do you think about extending it for example to everyone? For example, you mentioned the thousands of African-Americans were reportedly disenfranchised in the 2000 election in Florida, in the 2004 election. None of these localities are on the list in Section Five. So doesn't that mean the law isn't doing what it's supposed to do and why shouldn't it be extended everywhere?

RONALD WALTERS: Well first I wouldn't agree with Abigail that the South is devoid of racism.

ABIGAIL THERNSTROM: I didn't say devoid.

RONALD WALTERS: Well....you said....

ABIGAIL THERNSTROM: I just said it wasn't distinctive.

RONALD WALTERS: It is a distinctive in many ways. My... many of my colleagues... Gillens, several others have done studies that show that the racial animus in the South is much stronger than it is in any other part of the country and it's still there and it's still the basis upon which people turn out to vote and given the fact that political parties administer the political system, that is really very dangerous to the fair exercise of the right to vote. So I think that we still need it because there is still... particularly in the south where the largest portion of the black population resides, this problem. Now with respect to universality, I don't think that I would support that and the reason of course is that we want the Voting Rights Act reauthorized in 2007. If you extend it to some of the states that are not now covered, these states are likely to object to that. So that that's a recipe really for blocking the reauthorization of the Voting Rights Act on the grounds that many states don't want their election processes examined by the Justice Department before they are able to enact them.

MARGOT ADLER: What about the idea that I've heard that since these provisions were based on a history of discrimination, that if you extended it to the whole country, the courts could throw out the Act as unconstitutional?

ABIGAIL THERNSTROM: Well I think the Act is of... the extension of Section Five is of questionable constitutionality altogether because the court made it very clear when they reviewed the 1965 legislation that it was only because of the history of egregious 15th Amendment violations, and only because the emergency provisions were to last five years were supposed to sunset in 1970 that it... that the Act passed constitutional muster. So I think we've got a real problem anyway with the constitutionality of it and I'm very surprised that Ron Walters has not mentioned the fact that what pre-clearance has ended up doing is insisting in the covered jurisdictions... the Justice Department has ended up insisting in the covered jurisdiction that a maximum number of majority black and Hispanic districts be drawn. In other words, it has insisted on racially gerrymandered, race-driven districting. That has meant by clustering concentrating black and Hispanic voters, it has meant draining those voters from surrounding districts which have become whiter and the South particularly have become more Republican. The Republican Party loves all of this racial gerrymandering; they're laughing all the way to the political bank.

MARGOT ADLER: Okay Ron, what about that? What about... Abigail you called them "bug splat" districts and, you know, what about the idea that this is actually given ammunition to the Republicans and has given them more power?

RONALD WALTERS: Well we live in a conservative era when people like to forget things and one of the things that we forget is that really political jurisdictions are done for political reasons, which is with respect to the sort of defending one incumbent against the other is far more a producer of these oddly shaped districts than race. And we can prove it simply by looking at a map and you can see all over the country there are these weirdly shaped districts, so race really didn't produce them. Really redistricting like that has really saved it.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. I'm joined by Abigail Thernstrom and Ronald Walters and we are talking about the Voting Rights Act. Ron?

RONALD WALTERS: I haven't mentioned the race redistricting because I don't see it really is the problem. The problem is really not that creation of majority, majority districts were the thing that made so many people Republican in the South in particular, it was the change in ideology. I've just done a paper, fairly substantive paper, which I look at the power of ideology which has really driven the change in a lot of people's political attitudes. When you look at the seats that are open in the Congress over a 20 year period as opposed to those where the political party simply shifted, you find out that the shift was far more pronounced and that it had little parallelism with respect to redistricting process. So it is clear we live in ideological age that has had an impact upon people's political identification and that really is what has driven it, not the Voting Rights Act.

ABIGAIL THERNSTROM: I obviously disagree with that and the Supreme Court has disagreed with that in a number of its decisions.

RONALD WALTERS: Well yes it has.

ABIGAIL THERNSTROM: The fact is the federal government is segregating Americans politically and I don't understand why that is healthy for the fabric of American society and the fabric of the American polity.

MARGOT ADLER: Do you think it is Ron? I mean...

RONALD WALTERS: No, you know what I think some people would like to have is blacks sprinkled all over other political districts and if that were the case we would not be able to elect black officials. We would...if you look at the political institutions of our country, they would still be lily white as the Senate is today. So I think blacks are comfortable with having minority/majority districts where they are able to elect representatives. And the only egregious point there is that in some of these districts, there are too many blacks that could be put in some other districts, but they don't control the district in process so in many cases either accept that formulation or no representation at all.

ABIGAIL THERNSTROM: I just... I don't believe that, and neither does Harold Ford who is planning to run for the Senate, but, we don't have more black Senators because, for two reasons. One, you can't win elections that you don't run in, and two, black candidates tend to be on the far left of the American political spectrum. You have centrist blacks like David Dinkins was in New York which is not a majority black city and, you know, you are going to have lots of blacks in office. Andrew Young won from Georgia from a majority... when he first got elected to Congress from a majority white district. You know, this all comes down to a basic question of how racist do you think America is and my line is we've come a long way. Are we perfect? No. We've come a long way and

whites are glad to vote for black candidates as long as the politics of those candidates, you know, as long as they are comfortable.

MARGOT ADLER: This is Justice Talking, I'm Margot Adler. We are talking about the Voting Rights Act and it's reauthorization in 2007 with Ronald Walters from the University of Maryland and Abigail Thernstrom from the Manhattan Institute. I have two last questions very quickly. One, Abigail, Republicans have sounded like they are all set to renew the Voting Rights Act. Is there really going to be a fight in Congress?

ABIGAIL THERNSTROM: Oh there may not be a fight in Congress, I'm not sure. It depends on what else they are set to do. They may be set to do much more than renew the Act. They may be set to overturn some important Supreme Court decisions which... will raise very fundamental issues about the degree to which we want to segregate our society politically along lines of racism and ethnicity and the way you read the Voting Rights. There may be other issues like felons and disenfranchisement and so forth, so I don't know what's coming along in Congress, but I think it's going to be way before 2007 and it may be before the end of this calendar year.

MARGOT ADLER: You know this discussion brings up some of my own personal history. I was a voter registration worker in Mississippi in 1965 and, you know, thinking back to those days, in six weeks we only managed to register seven people, that was all that was registered at that point in the whole county and the fear was unbelievably great. And one moment that I remember from that period leads to a question I want to ask you. I was talking to a local black civil rights worker and at one point I said, I was young, I was 20. I said what do you think should be the qualification for voting? He said something that stuck with me ever since... whenever the questions of IDs, felons voting and all those things come up. He said, eighteen and breathing. Eighteen and breathing. So I guess I want to ask you both why not eighteen and breathing?

RONALD WALTERS: Well I think that eighteen and breathing certainly is not a bad rule. But I think that though there are still people who as I said don't want African-Americans to vote and vote in big numbers and make the difference in elections, and so they are out to narrow the qualifications to vote and that's why there is legislation in some of these states enacting these ID requirements, and that's why people stand at polling booths monitoring people's ID. And that's why, because in the main, I should say it, the Republican party has been very afraid of the power...the growing black and Hispanic vote I really should say in this country and what it does done is driven them to try to adopt more measures not fewer...

MARGOT ADLER: Abigail?

RONALD WALTERS: ...to limit their vote.

MARGOT ADLER: Abigail? Eighteen and breathing? What about it?

ABIGAIL THERNSTROM: I actually, Margot, think the issue is a little more complicated than that and I would stress that 1965, and I was in the civil rights movement at that time too, was really another century in terms of where we were in race relations in this country. I mean, there has been so much change since then. But look, on the voter identification, that was pre-cleared under the Voting Rights Act. Clearly the solution to that is not the Voting Rights Act and there are courts if people feel this is unlawful, unfair, unconstitutional, whatever, there are courts all over the country open where plaintiffs can go into court, they don't need the Voting Rights Act to challenge voter IDs.

MARGOT ADLER: Thank you both for joining me to discuss the Voting Rights Act and what it has meant for America, past, present and future.

RONALD WALTERS: Thanks for having me.

ABIGAIL THERNSTROM: Thank you Margot.

MARGOT ADLER: Ronald Walters is Director of the African-American Leadership Institute and a Professor of Government and Politics at the University of Maryland. His most recent book is *Freedom Is Not Enough: Black Voters, Black Candidates in American Presidential Politics*. Thanks for joining us Ron.

RONALD WALTERS: Thank you very much for having me and thanks for having me with Abigail.

MARGOT ADLER: Abigail Thernstrom is the Vice Chair of the U.S. Commission on Civil Rights. She is the author of several books looking at race including *Whose Votes Count? Affirmative Action and Minority Voting Rights*. Thanks for joining us on Justice Talking Abigail.

ABIGAIL THERNSTROM: Thanks for having me and once again thanks for having me with Ron Walters.

MARGOT ADLER: In August, Justice Talking taped a special program in Montgomery, Alabama in conjunction with Court TV to mark the 40th anniversary of the Voting Rights Act. We were joined by civil rights pioneers, people who were on the front lines of the historic march from Selma to Montgomery, demanding the right to vote. Reverend F.D. Reese was president of the Dallas County Voters League in 1965 and was instrumental in organizing protests with Reverend King for African-American voter registration rights in Selma. He tells us how the march came about.

REVEREND F.D. REESE: The death of Jimmy Lee Jackson really spawned the idea of why don't we take his body and dump it on the steps of the capitol in Montgomery and also to ask the governor or to tell the governor about the...the efforts that had been put forth by many all over the State of Alabama to become registered voters and the quality of life in Alabama is not what it should be. And so we decided we were going to engage in that

march on March the 7th, 1965. And we left Brown Chapel Church in Selma, going down...at that time Sylvan Street which is now Martin Luther King Jr. Street, down to Alabama Avenue, down to the...Broad Street, then across the bridge into Selma. And getting to that bridge, looking down over at the apex of that bridge, I saw a sea of blue, blue helmets, blue state trooper uniforms, blue state trooper cars parked parallel on each side of the highway.

And I saw the state troopers across the highway with their leader, (Captain Klaut) who had a bullhorn indicating they had orders of the governor not to allow that march to continue. We were to disperse, go back to our homes and to the church because that march would not continue.

CAPTAIN KLAUT: ...for your safety...not continue this march, this is an unlawful assembly...you are ordered to disperse...go home or go to your church.

REVEREND F.D. REESE: And from that particular point he gave orders for the state troopers to move in on the marchers.

CAPTAIN KLAUT: ...advance towards the group, see that they disperse.

REVEREND F.D. REESE: With their billy clubs clutched on both ends and they literally went down the line of marchers, toppling the marchers over as if you topple bowling pins in a bowling alley. They withdrew the billy clubs and began to beat heads. I saw blood flowing. Pandemonium broke out in the crowd. The state of disbelief that this kind of violence was happening in these United States of America, that they withdrew then gas canisters and lobbed them over into the crowd. And if you've ever been in gas you get (unintelligible) for fresh air. And they began to beat heads. Yes I got beaten on the way back across the bridge and then back to Brown Chapel Church in Selma.

And then while in that sanctuary the telephone rings, Dr. King who called me, he was in Atlanta, Georgia. He said, "I understand you had a little trouble down there in Selma," over the telephone. I said, "Dr. King, that's an understatement you making." I said "we had a whole lot of trouble here." He said, "I sent a call over the country to ask those who would to come to Selma to assist the people of Selma in their quest for the right to vote." And while in that sanctuary that night, about nine o'clock, a group had chartered a plane from New Jersey, came to Montgomery here and got a bus to Selma and walked in that sanctuary and said we have heard the call of Dr. King and we have seen on the television screen what happened across that bridge and we are here to lend our bodies and our assistance to the people of Selma. That was one of the most exhilarating and inspiring moments of the day because now you had the feeling there were others who were concerned about your plight in Selma, Alabama.

MARGOT ADLER: Revered F. D. Reese is the Pastor of the Ebenezer Baptist Church in Montgomery, Alabama and was a leader in the fight for the right to vote in 1965.

MARGOT ADLER: I called Ambassador Andrew Young to talk about a new voting rights movement in America. He is a veteran civil rights activist, and he was a Georgia Congressman for three terms and was the United States Ambassador to the United Nations. Ambassador Young, thank you so much for taking the time to talk with me today.

ANDREW YOUNG: Well thank you very much for, well really for giving me the opportunity.

MARGOT ADLER: You've led the charge for a new campaign called Why Tuesday? whose goal is to change Election Day from Tuesday to another day in the week. Why do Americans vote on Tuesday to begin with?

ANDREW YOUNG: Well you know, way back in 1845, when America was totally rural and before California was a state, they decided that it's not just any Tuesday, it's the Tuesday after the first Monday. The first of the month people had to do their business and farmers normally picked Tuesday as the day that they had the least to do.

MARGOT ADLER: It seems to me that voting on a weekend when most Americans don't have to work and have more flexibility in their lives seems to make sense, I'm wondering first of all when you think people should vote and why anyone would be opposed to let's say voting on a weekend?

ANDREW YOUNG: Well I don't know and that's the reason we are raising the question. But what we are saying is that it's possible now. In fact, Tom Brokaw introduced the idea some years ago that you could start voting in Puerto Rico and also in Hawaii at the same time and end at the same time, and that voting really over a 48 hour period could be the same for everybody. And all of this exit polling and the people in California feeling that their vote doesn't count would be neutralized because everybody's polls would close at the same time.

MARGOT ADLER: So you think voting should be over more than one day?

ANDREW YOUNG: I think so. I think particularly since we extend to so many time zones that it ought to be wise... it seems to me to be wise, though we are not advocating a particular day, we are simply saying it's time for intelligent people to rethink the Tuesday question and to ask themselves a question—wouldn't democracy be better served if we voted over a Saturday and Sunday?

MARGOT ADLER: Now are there groups of people who are dead set against changing the voting day?

ANDREW YOUNG: Well you know we haven't found them. We haven't found anybody that's...you know, a Tuesday diehard, but change is always difficult. It never comes easy.

MARGOT ADLER: How does your advocacy for changing Election Day fit into your whole life as a civil rights activist?

ANDREW YOUNG: Well that was it. We got almost a dozen people killed trying to get the Voting Rights Act passed, and after we get the Voting Rights Act passed, and get all of the federal remedies to make it fair for black people to vote, it almost seemed to me like we had simply rearranged the deck chairs on the Titanic. That is not just black people that have a hard time voting and that are obstructed in voting, everybody is discriminated against—everybody that works. Everybody that doesn't have a car and everybody that lives in a rural area some distance from voting, that we have to make it more convenient for people to vote if we are going to be a relevant democracy.

MARGOT ADLER: Andrew Young thank you for your time today.

ANDREW YOUNG: Thank you very much.

MARGOT ADLER: Andrew Young is a minister, businessman, former Congressman and human rights activist and spokesman for Why Tuesday? You can learn more about the organization at WhyTuesday.org.

MARGOT ADLER: Thanks for listening to Justice Talking. I hope you'll join us next week. I'm Margot Adler.
