## GET THE POINT

## Voting Rights and The Supreme Court

## by Fritz Pointer

## The Past is Not Dead, It's Not Even Past

Unfortunately, to many if not most Americans ***The Constitution*** is a sacred mandate of **Divine** authority with the power to save or condemn. That, this document, ***The Constitution*** is not the product of ordinary men, but extraordinary men, whose pens were guided by an **"extra-ordinary presence"** to which all men, perhaps everywhere, are subject.

For many people, especially, Black, Latin and Poor people, ***The Constitution*** is viewed as an assurance of **the coming of a better day**. This is not unlike **biblical faith** in the second coming of Christ for an oppressed people.

And, it is always important to remember that, like the *Bible*, the U.S. ***Constitution*** was written by human beings; in fact, white males, not by God, or (a) Supreme Being (s). **Imperfect. Fallible…in thought/action. African Americans have an Ambiguous Relationship with the U.S. Constitution**

Most African Americans' perspective of **constitutional history** is mixed and "selectively defensive". For example, on the one hand we reject it because, so-called enlightened, divinely inspired (**18th century**) white

men, identified and accepted African men, women and children as property only. On the other hand we are encouraged by certain provisions of the 13th, 14th, and 15th, Amendments. (13th abolished slavery, 14th, equal protection under the law and 15th **the right to vote.**)

There is also **Article I Section 9** that commits America to the Trans-Atlantic Slave Trade. There's **Article IV, Section 2** that represents a commitment of the whole nation to participate in upholding the rights of Southerners to their slave property. Then there is…

**The Dred Scott Decision:**

The extraordinary, enlightened, **exceptional** and divinely inspired United States Supreme Court, Chief Justice, Rodger Taney stated, among other things: African people were viewed not as citizens, but as property: "[blacks] had no rights which the white man was bound to respect" With this irrational, racist, debased decision by so-called enlightened men, the cycle of debasement of the African in America was completed.

**The Supreme Court** held that Black Americans (slave or not):

"were not intended to be included, under the word 'citizen' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were…considered as a subordinate and inferior class of beings, who had been subjugated, by the dominant race, and whether **emancipated (**free) **or not**, remained subject to their

authority." Dred Scott, according to these ***exceptional, extraordinary*** men, was just as much slave property on free land as he was in slaveholding states. Then there's…

**The Three-Fifths Clause:**

Then there are the ***enlightened*** men, white males again, who put together the brilliant **three-fifths compromise.** Writers of ***The Constitution*** willing to compromise the African slave property and their own principles based on financial motives (taxes). In other words, ***The Constitution*** of the United States continues to this day, to reflect the **racist intelligence and character** of the writers; and of the community it represents.

The same can be said for the June 25, 2013 Supreme Court ruling tearing the guts out of the Voting Rights Act of 1965 and is certainly no surprise to me. Chief Justice John Roberts is nothing more than a modern day Rodger Taney.

John Roberts, Sam Alito, Antonio Scalia, Clarence Thomas and Anthony Kennedy (a sort of Catholic/Nationalist cabal) continue the vacillation of the courts in trying to decide whether black people and brown people (African, Latin, Arab and Asian) are, indeed, people; and if so, whether they are a species apart from white humans, the difference justifying separate and different treatment.

Four white males: Roberts, Kennedy, Alito, Scalia and – the Black White Man- Clarence Thomas, advanced the legal argument against Section 4 of the 1965 Voting Rights Act. They claimed that it was outdated, no longer necessary, and subjected certain states to unequal treatment. Or, because it was working we need to fix it. This is part of the simplistic illogical and irrational conclusion that we are now a "color-blind" society.

This is the same old tired (19th century) "states rights" argument promulgated concerning "slave" or "free" states…. That, by the way, led to the Civil war. Perhaps, we should reflect again on the prophetic words of Malcolm X: "It will be the ballot or the bullet." In other words: what will be the effect of allowing states to find new and creative ways – eliminating Sunday early voting, penalizing groups that sign up voters, photo ID requirement, gerrymandering and voting machines that don't work in black and brown communities, 13% of Black voters disqualified for criminal records – of disenfranchising black and brown voters? Other than promoting white supremacy or white hegemony, how does disfranchisement further the cause of democracy?

This is especially important in those sections (states, counties, cities) with an African American majority voting population. But also in National elections where the black vote has proven to be decisive.
If not the ballot then what? How will these communities make their concerns known? How might their frustration be manifested?

Speaking to white America in 1964 Malcolm X stated: "I'm not going to sit at your table and watch you eat, with nothing on my plate, and call myself a diner. Sitting at the table doesn't make you a diner, unless you eat some of what's on that plate. Being here in America doesn't make you an American. Being **born** here in America doesn't make you an American. Why, if birth made you American, you wouldn't need any legislation, you wouldn't be faced with civil-rights filibustering…they don't have to pass civil-rights legislation to make a Polack an American."

**Full Circle – The Right of Citizens to Vote**

We've come Full Circle. "The Polack" Malcolm speaks of doesn't need "civil rights legislation" or a Voting Rights Act, because the 15th Amendment (1787) affirmed his humanity and citizenship:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

In other words, the immigrant from Poland, from Germany, from Norway, or even England doesn't need a Voting Rights Act to exercise the right to vote as a citizen. Does race matter? Does Color Matter? Equivocating on the humanity thus citizenship of Black and Brown **men** and **women,** not included in the definition of **citizen (in the country's founding document)** perpetuates the current malaise.

Finally, let us be clear. As Ferdinand Lundberg has noted: What has protected the United States from the extreme instability we see around the world is its geographic isolation, its great vacant spaces and its vast

natural resources, none of which is attributable to its political system…Politics and political leaders did not make the United States pre-eminent…vast natural resources and great distances from dangerous enemies played much more of a role (24).

Perhaps, it is easier to imagine, as in primitive days of yore, the Atlantic and Pacific Oceans as moats, surrounding the "ramparts" of the USA, out of which emerge murderers, thieves, and pirates to plunder and subjugate those in other lands, then hurrying back with the loot – oil, cobalt, coltan – raising the "drawbridge" and partying, until…