



INTERFAITH CENTER FOR RACIAL JUSTICE (ICRJ)

"... involving a community of respect and Justice"



2017 Martin Luther King, Jr. Holiday A Sense of Justice Middle School Essay Contest

Common Core State Standards Addressed

CCSS.ELA-LITERACY.RI.6.1, 4, 6

CCSS.ELA-LITERACY.W.6.1, 4, 9

CCSS.ELA-LITERACY.RH.6-8.1, 4

CCSS.ELA-LITERACY.WHST.6-8.1, 4, 9

Background (adapted from <http://www.tolerance.org/>)

Payment of poll taxes, grandfather clauses allowing poor whites but not poor blacks to vote, literacy and civics tests, as well as violence, made it nearly impossible for many black Americans to vote despite the passage of the 15th amendment in 1870. Congress tried to eliminate voting discrimination through three different civil rights acts passed between 1957 and 1964, but they were all ineffective. Discrimination against black voters could be found throughout the South in 1964, even though it was illegal.

The **Voting Rights Act of 1965** affirmed the right to vote throughout the nation and made the practices that kept black people from voting illegal. In addition, the Act included special rules for states and counties that had a history of voter discrimination. These states and counties were not allowed to make any changes that affected voting without “preclearance” (getting permission ahead of time) from the U.S. Justice Department, by proving that the change wouldn’t have a discriminatory effect.

Nine entire states—Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia—qualified for the special treatment, as did parts of others, including Michigan.

These provisions stood—and were strengthened by Congress—until 2013, when the court case *Shelby County v. Holder* came before the U.S. Supreme Court. In the *Shelby County* case, the court ruled that it was no longer fair to require these states to get permission to change their voting procedures. The Supreme Court said that the “preclearance” requirement of the Voting Rights Act had accomplished its purpose as evidenced by the fact that black citizens in the South were now registered and voted at the same rates as white citizens.

Watch the following videos for more background information about this topic.

- The Voting Rights Act: 50 Years Later (The White House): <https://www.youtube.com/watch?v=Bb9YymBkG80>
- A History of Voting Rights (The New York Times): <https://www.youtube.com/watch?v=U4XtZ-tlzlA>
- Bridging History: Selma and the Voting Rights Act of 1965 (US House History): <https://www.youtube.com/watch?v=URMb2D3kFZQ>

Task

Construct an argument to answer the question below using evidence (reasoning, examples and details with relevant information and data) from multiple sources. Be sure to develop a claim while pointing out its strengths and limitations.

Should Congress amend the Voting Rights Act to require states to get permission from the federal government to change their voting laws?

Multiple sources are provided and information from at least **TWO** of the documents must be used. Students do **NOT** need to use all of the provided sources. Students may use other sources as well, but it is not required.



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Prizes

- 1st, 2nd and 3rd place students will be notified by December 23, 2016.
- Winning students will receive iTunes gift cards in the amounts of \$25 for 1st place, \$15 for 2nd place, and \$10 for 3rd place courtesy of the Macomb Reading Council.
- The winning student will receive three (3) seats to the MLK Holiday Celebration on the evening of Monday January 16th, 2017, where they will be announced and honored for their achievement.
- The winning essay will be included in the MLK Holiday publication (10,000 copies distributed).

Requirements

- Due: **Midnight, December 5, 2016**
- 1000 word maximum
- Double spaced, Times New Roman, 12 pt. font
- Include your name, school, grade, teacher's name and email address, home or parent telephone number and parent email address (if applicable) in the header
- Submit via email to: smcbrady@misd.net or mail to:
Sean McBrady
Macomb ISD
44001 Garfield Rd.
Clinton Twp., MI 48038

Guidelines - The writing must be done without help, but you may use dictionaries, or any other resources to support spelling and mechanics.

Teachers - Contact Sean McBrady (smcbrady@misd.net) for resources for teaching about the Voting Rights Act of with any questions about engaging students with this issue.

How your essay will be scored: Essays will be scored by a panel of judges including education consultants from the Macomb ISD, teachers in Macomb County and representatives from the MLK Holiday Celebration planning committee.

Statement of purpose/focus—claim is clearly stated, focused and strongly maintained; counterclaims, if presented, are clearly addressed

Organization—response has a clear and effective organizational structure; uses of a variety of transitional strategies; logical progression of ideas; effective introduction and conclusion

Elaboration of evidence—response provides thorough and convincing support/evidence for the main idea; use of evidence from multiple sources is smoothly integrated, comprehensive, and relevant

Language and Vocabulary—response clearly and effectively expresses ideas; use of academic and domain-specific vocabulary is clearly appropriate

Conventions—response demonstrates a strong command of conventions: few, if any, errors are present in usage and sentence formation; effective and consistent use of punctuation, capitalization, and spelling

DOCUMENT A

The American Promise, March 15, 1965
Excerpt from President Lyndon Johnson's speech to Congress on voting rights
The National Archives

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE CONGRESS,
MY FELLOW AMERICANS:

I speak tonight for the dignity of man and the destiny of democracy.

I urge members of both parties -- Americans of all religions and colors -- from every section -- to join me in that cause.

At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.

There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man -- a man of God -- was killed.

There is no Negro problem. There is no Southern problem or Northern problem. There is only an American problem.

And we are met as Americans to solve it.

This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, North and South: "All men are created equal" -- "government by consent of the governed" -- "give me liberty or give me death."

Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man's possessions or his power or his position. It rests on his right to be treated as a man equal in opportunity to all others. It says that he shall share in freedom, choose his leaders, educate his children, provide for his family according to his ability and merits as a human being.

3/16/65
Vice President
Judiciary



Why did there need to be a voting rights act in 1965?

Because states—particularly Southern states—had found ways to get around the 15th Amendment, which had guaranteed African American men the right to vote. Poll taxes, grandfather clauses, literacy and civics tests, as well as violence, made it virtually impossible for many black Americans to exercise their right to vote. Civil rights activists had challenged these restrictions in court cases, but in 1965, Congress determined that these case-by-case lawsuits were ineffective.

The key points of the voting rights act of 1965:

- No voting qualification, prerequisite to voting, or standard, practice or procedure shall be imposed ... to deny or abridge the right of any citizen of the United States to vote on account of race or color.
- The court will appoint federal examiners to enforce the guarantees of the 15th Amendment.
- No “test” (e.g., literacy or civics) or “device” (e.g., grandfather clause) may be used as prerequisites for voting.
- States that require special attention are those that most severely restricted voting rights before this 1965 law. The Voting Rights Act identified those states as those that used any “test or device” that limited voting based on race or color on November 1, 1964; or where less than 50 percent of people of voting age were registered to vote on November 1, 1964.
- Whenever one of the states identified above wants to change voter qualifications or voting procedures, it needs court approval to do so.
- Federal examiners will oversee voter registration in the states identified above.
- Federal examiners may, at the request of the attorney general, observe at voting sites and vote-counting sites.
- Poll taxes are illegal.

States with Voting Restrictions Since the 2010 election, many states have instituted new voting restrictions. Although these restrictions were reportedly enacted to protect against voter fraud, voter fraud is actually very uncommon and these restrictions disproportionately disadvantage vulnerable members of society. Under these new voter laws, citizens may be restricted from voting

- If they do not have a government-issued photo identification card. Eleven percent of Americans do not have a photo ID. Many of them are African American, Latino, young and low-income potential voters.
- If they do not have access to the documents necessary to take advantage of voter registration opportunities. Some states require proof of citizenship upon registration, while others place restrictions on registration drives or same-day registration.
- If they cannot vote the day of the election and need to vote early. Weekend and evening hours for early voting have been cut back, despite these times being convenient for many minority voters.
- If they have had a past conviction. People with past convictions will find it more difficult to restore their voting rights in some states under new restrictions.

Visual Data

The Voting Rights Act, 1965 and beyond



TEACHING TOLERANCE

A PROJECT OF THE SOUTHERN POVERTY LAW CENTER

Figure 1.

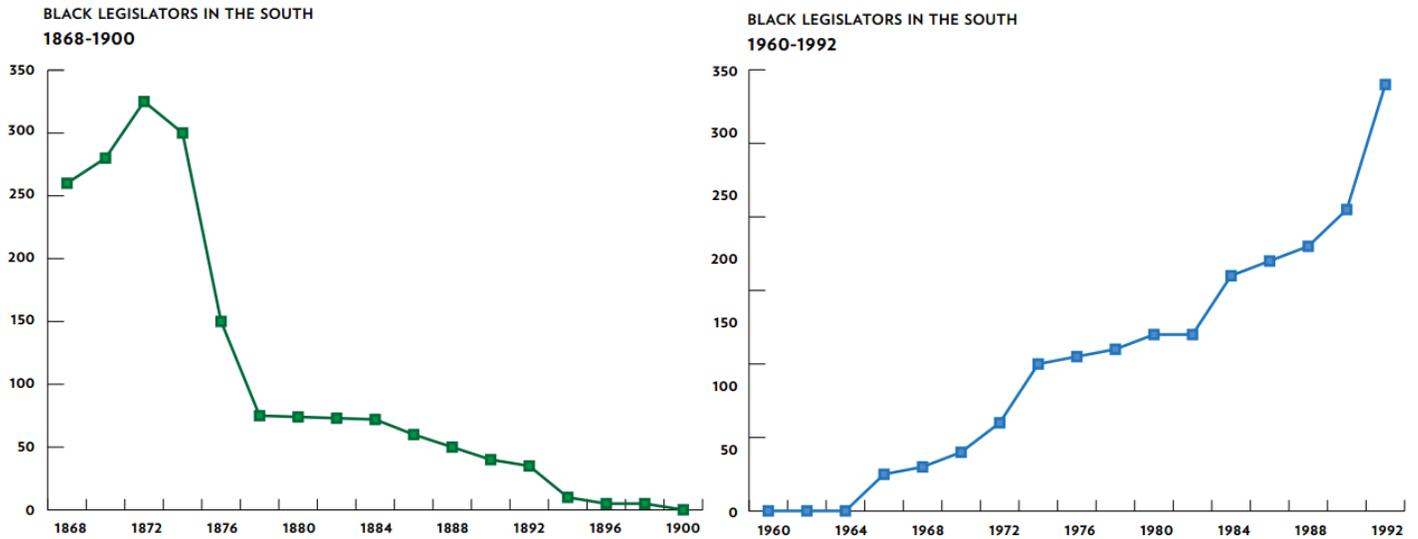
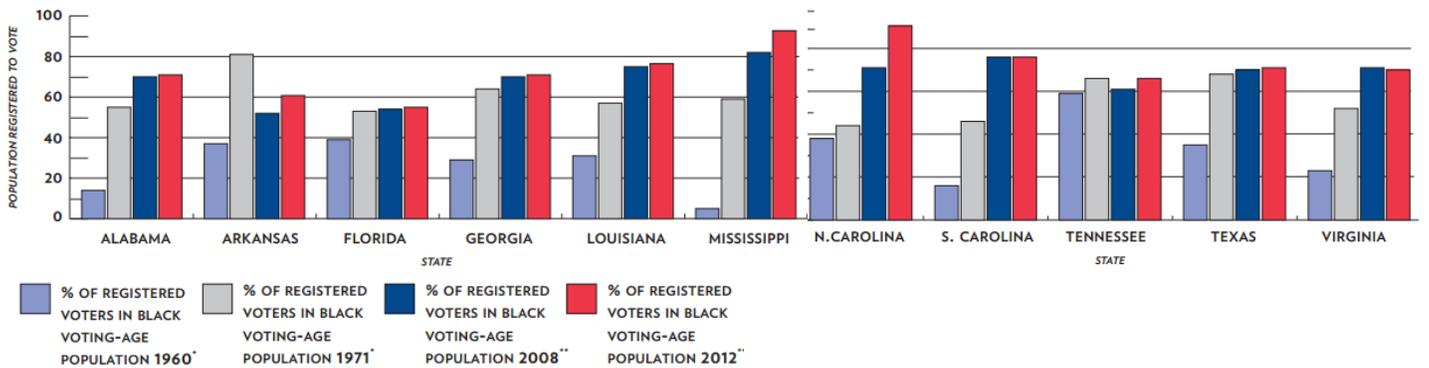


Figure 2.

Percentage of Registered Voters in Black Voting-Age Population

One way to evaluate the success of the Voting Rights Act is to look at the percentages of eligible black voters who registered to vote before the Act passed and after.



DOCUMENT D

Voting Rights Act's 'Preclearance' Was Meant to be Temporary

By Hans A. Von Spakovsky
U.S. News & World Report
Feb. 26, 2013
(*adapted*)

The Supreme Court should strike down Section 5, which was a temporary, emergency provision that was only supposed to last five years. The terrible conditions that justified Section 5 in 1965 do not exist today.

The right to vote of black Americans is not at stake. The heart of the Voting Rights Act is Section 2, which outlaws racial discrimination in voting. Section 2 is permanent and applies nationwide.

Section 5 requires covered states to get pre-approval from the federal government before they can make any changes in their voting laws. It was only a supplement to the main protection of Section 2

But when the Supreme Court upheld Section 5's constitutionality in 1966, it acknowledged that Section 5 was an extraordinary intrusion into state sovereignty unprecedented in our history. It was upheld only because of the dire, "exceptional conditions" and "unique circumstances" that existed then.

As Justice Clarence Thomas noted in 2009 in another case, the "lack of sufficient evidence that the covered jurisdictions currently engage in the type of discrimination that underlay the enactment of Section 5 undermines any basis for retaining it."

The most visible evidence of this is the failure of Congress in 2006 to update the formula that triggers coverage under Section 5. There are nine states and parts of seven other states covered today based on low registration and turnout in the 1964, 1968, and 1972 elections.

Thus, jurisdictions are covered today based on over 40-year-old data. Yet the disparity in the registration and turnout of black voters compared to white voters has virtually disappeared and in some covered states actually exceeds that of whites. They would not be covered today based on current registration and turnout levels.

Most importantly, as the Supreme Court itself previously acknowledged, "things have changed in the South ... Blatantly discriminatory evasions of federal decrees are rare" and "minority candidates hold office at unprecedented levels."

The systematic, official discrimination that justified Section 5 has disappeared. The isolated cases of discrimination that still occur can be remedied by Section 2. As Justice Clarence Thomas has said, "admitting that a preventative law as broad as Section 5 is no longer constitutionally justified based on current evidence ...is not a sign of defeat. It is an acknowledgment of victory."

DOCUMENT E

Key Provision Of Voting Rights Act Struck Down By Supreme Court

June 25, 2013, huffingtonpost.com (adapted)

The Supreme Court struck down Section 4 of the Voting Rights Act, the provision that designates which parts of the country must have changes to their voting laws cleared by the federal government, a process known as preclearance.

The 5-4 ruling, authored by Chief Justice John Roberts and joined by Justices Antonin Scalia, Anthony Kennedy, Clarence Thomas and Samuel Alito, ruled in *Shelby County v. Holder* that “things have changed dramatically” in the South in the nearly 50 years since the Voting Rights Act was signed in 1965.

The Voting Rights Act has recently been used to block a voter ID law in Texas and delay the implementation of another in South Carolina. Both states are no longer subject to the preclearance requirement because of the court’s ruling on Tuesday.

“Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions,” Roberts wrote.

Justice Ruth Bader Ginsburg issued a dissent on behalf of herself and Justices Stephen Breyer, Sonia Sotomayor, and Elena Kagan, justifying the continued importance of the Voting Rights Act's preclearance provision. The provision has proven "enormously successful" in increasing minority registration and access to the ballot and preventing a "return to old ways," Ginsburg said. Even in jurisdictions where discrimination may not be overt, "subtle methods" have emerged to diminish minority turnout, such as racial gerrymandering.

Voting rights advocates condemned the Supreme Court’s ruling.

- “The Supreme Court has effectively gutted one of the nation's most important and effective civil rights laws,” Jon Greenbaum, chief counsel for the Lawyers' Committee for Civil Rights Under Law, said. “Minority voters in places with a record of discrimination are now at greater risk of being disenfranchised than they have been in decades. Today's decision is a blow to democracy. Jurisdictions will be able to enact policies which prevent minorities from voting, and the only recourse these citizens will have will be expensive and time-consuming litigation.”
- “Today’s U.S. Supreme Court decision erases fundamental protections against racial discrimination in voting that have been effective for more than 40 years,” Elisabeth MacNamara, president of the League of Women Voters of the United States, said in a statement. “Congress must act quickly to restore the Voting Rights Act.”
- “Today will be remembered as a step backwards in the march towards equal rights,” said Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund. “We must ensure that this day is just a page in our nation’s history, rather than the return to a dark chapter.”
- Said J. Gerald Hebert of the Campaign Legal Center, “the Court today declared racism dead in this country despite mountains of evidence to the contrary.”

**President Obama's Reaction to the Supreme Court Decision in 2013
Striking Down Section 4 of the Voting Rights Act**

From "Voting Rights Act Section 4 Struck Down By Supreme Court"

Jun 25, 2013

http://www.huffingtonpost.com/2013/06/25/voting-rights-act-supreme-court_n_3429810.html

I am deeply disappointed with the Supreme Court's decision today. For nearly 50 years, the Voting Rights Act – enacted and repeatedly renewed by wide bipartisan majorities in Congress – has helped secure the right to vote for millions of Americans. Today's decision invalidating one of its core provisions upsets decades of well-established practices that help make sure voting is fair, especially in places where voting discrimination has been historically prevalent.

As a nation, we've made a great deal of progress towards guaranteeing every American the right to vote. But, as the Supreme Court recognized, voting discrimination still exists. And while today's decision is a setback, it doesn't represent the end of our efforts to end voting discrimination. I am calling on Congress to pass legislation to ensure every American has equal access to the polls. My Administration will continue to do everything in its power to ensure a fair and equal voting process.

DOCUMENT G

Why Voter ID Laws Aren't Really about Fraud

by Sarah Childress, FRONTLINE Enterprise Journalism Group, October 20, 2014 (*adapted*)

Voters in Texas will have to show a specific photo ID at the polls due to a controversial new law upheld by the U.S. Supreme Court. The law is claimed to be a way to prevent people from impersonating eligible voters. But voter ID laws don't fix what appears to be a more common source of voter fraud: mail-in absentee ballots.

A FRONTLINE analysis of voting laws found that only six of the 31 states that require ID at the polls apply those standards to absentee voters, who are generally whiter and older than in-person voters. And two states with strict photo ID policies for in-person voters have recently passed bills that allow anyone to mail in a ballot.

Voter fraud rarely happens. When it does, election law experts say it happens more often through mail-in ballots than people impersonating eligible voters at the polls. News21, a project at Arizona State University, found 28 cases of voter fraud convictions since 2000. Of those, 14 percent involved absentee ballot fraud. Voter impersonation, the fraud that voter ID laws are to prevent, made up only 3.6 percent of those cases.

Mark Obenshain, a Republican Virginia state senator who was the primary sponsor of his state's voter ID law, said that lawmakers tried to balance improving security with maintaining access to the ballot for elderly and disabled people. He said these voters might not have access to a scanner or machine to make a copy of an ID. Absentee voters tend to be older and whiter than in-person voters. In 2012, 46 percent of mail-in voters were aged 60 and up, and over 75 percent were white, according to Michael McDonald, a political science professor at the University of Florida. Older white Americans generally are more likely to vote Republican.

African-Americans, who overwhelmingly vote Democratic, are less likely to use mail-in ballots. Although they make up about 13 percent of the population, only 8 percent voted by mail in 2012.

Laws that require photo ID at the polls vary, but the strictest laws limit the forms of acceptable ID to only a few cards. For example, in Texas, voters must show one of seven forms of state or federal-issue photo ID, with a valid expiration date: a driver's license, a state-issued ID card, a concealed handgun license, a military ID, citizenship certificate or a passport. The name on the ID must exactly match the one on the voter rolls.

African-Americans and Latinos are more likely to lack one of these IDs. Even when the state offers a free ID, these voters, who are disproportionately low-income, may not have the needed documents, such as a birth certificate, to obtain one. In Texas, for example, an African-American grandmother could not afford the \$25 to purchase her birth certificate to get an ID, and an elderly African-American veteran and longtime voter was turned away at the polls in 2013 despite having three types of ID, because none qualified under the new law.

Six of the 16 states that have passed ID laws since 2010 have a history of discriminating against minority voters. Fifteen of those laws were put in place after the Supreme Court overturned a key provision of the Voting Rights Act that required permission from the Justice Department for any voting-law changes.

Voter ID laws have all been sponsored by Republicans and passed overwhelmingly by Republican legislatures. A conservative U.S. circuit judge, Richard Posner, in a harsh criticism of these laws, called the expressed concern about fraud cover-up and that they instead "appear to be aimed at limiting voting by minorities, particularly blacks."

Obenshain, the Virginia senator, said his law wasn't about keeping voters from the polls. "There's only one class of people who are going to be discouraged from voting, and that's fraudulent voters."

3 Examples of Voter Fraud Across US

March 31, 2016

dailysignal.com

With the 2016 election season well underway, millions of voters across the country have already cast their ballots in primaries and caucuses. Republican and Democratic candidates are locked in close races for the highest office in the land, and every vote cast makes a difference.

The Heritage Foundation's voter fraud database catalogues over 400 cases of proven voter fraud throughout America. Whether it be vote buying, ineligible voting, false registrations, or fraudulent use of absentee ballots, the database makes clear that voter fraud is a real issue, one that must be effectively addressed—not denied, as some voter reform critics have done—in order to preserve the integrity of the electoral system.

Here are some recent additions to the database:

Pennsylvania

Robin Trainor pleaded guilty to two charges of voter impersonation fraud at the polls in the 2014 primary. While serving as judge of a polling place, Trainor went inside a voting booth with her husband to “assist” him—that is, she told him who to vote for. Trainor then stepped out, falsely signed the election register under her son's name, reset the voting machine, and cast a vote in his name. Trainor was placed on one year of probation and stripped of her right to vote for the next four years.

Alabama

Daniel W. Reynolds was recently sentenced to two years of probation for falsifying absentee ballots in a 2013 campaign for commissioner. Reynolds, the chief campaign volunteer for the reelection campaign of Commissioner Amos Newsome, pleaded guilty to three counts of absentee ballot fraud. Newsome won reelection by a mere 14 votes, after winning 119 of the 126 absentee ballots cast.

New Hampshire

Derek Castonguay, a resident of Manchester, N.H., pleaded guilty to a charge of duplicate voting. Castonguay voted in the towns of Salem and Windham in the 2014 general election. Following his guilty plea, he was ordered to pay a \$1,000.00 fine and received a 12 month suspended sentence. In addition to the fine and sentence, Castonguay was stripped of his right to vote.

These are just a few of the hundreds of documented examples of voter fraud that have occurred and continue to occur throughout the country due to lax laws and a lack of vigilance. For every case of voter fraud that is successfully discovered and prosecuted, there are undoubtedly many more that go undetected.

There is nothing more central to American democracy than free, fair elections. Without them, the entire system is in jeopardy.

DOCUMENT I

5 Terrible Acts of Voter Discrimination the Voting Rights Act Prevented—But Won't Anymore

by Lauren Williams, motherjones.com, Aug. 6, 2013

President Lyndon Johnson signed the Voting Rights Act of 1965 into law 48 years ago today. But in June, the conservative justices on the Supreme Court struck down a major section of the law, freeing jurisdictions with a history of racial discrimination to change their voting laws without federal permission. For decades, Section 5 of the VRA required a number of jurisdictions, mostly in the South, to seek the feds' approval—called preclearance—before modifying voting rules. The Supreme Court's decision gutted Section 5, paving the way for new discriminatory laws.

Attorney General Eric Holder has vowed to continue to challenge discriminatory voting laws despite the Supreme Court ruling. Florida's Republican governor, Rick Scott, announced this week that he would renew his efforts to purge "noncitizens" from the voter rolls, a messy, inaccurate practice that the Justice Department says violates the VRA and unfairly targets black and Latino voters.

Here are five recent examples of minority discrimination that were blocked by Section 5, the part of the law the Supreme Court eviscerated in June:

In 2001, the all-white board of aldermen in the town of Kilmichael, Mississippi (pop. 830), canceled town elections after an unprecedented number of black candidates made it onto the ballot. When the Department of Justice (DOJ) forced an election and the town finally voted, it elected its first black mayor and three black aldermen.

During a 2004 city council primary in Bayou La Batre, Alabama, a Vietnamese American candidate, Phuong Thanh Huynh, ran against white incumbent Jackie Ladnier. Ladnier and his supporters challenged about 50 Asian American voters at the polls. Their reason? If they couldn't speak English well, they might not be citizens. The DOJ intervened, and Huynh became the first Asian American on the city council.

Texas has been repeatedly blocked from implementing both local and statewide changes that blatantly disenfranchise minority voters, from redistricting schemes to the elimination of polling places and early voting in minority districts. In 2007, officials in Waller County, home to the historically black Prairie View A&M University, enacted strict voter registration rules (without federal approval) that allowed them to reject voter registration applications, mostly from PVAMU students, for minor errors or omissions. After the Justice Department sued the county, a local judge told the Houston Chronicle that registrars "were maybe being a little picky with some of the things they were rejecting for."

In 2008, Alaska submitted for federal preclearance a plan that would have required some Native Alaskan voters to travel by air or boat to cast a ballot. The state withdrew its submission after it was challenged by the DOJ.

A

fter the 2010 Census indicated that blacks had become the majority of the voting-age population in Georgia's Augusta-Richmond, a consolidated city and county, the state Legislature passed a bill that rescheduled voting from November, which had a traditionally high black voter turnout, to July, which had a low turnout overall, but especially for blacks. The change only affected Augusta-Richmond, and, not surprisingly, was rejected under Section 5.