

report PUBLIC JUSTICE

Editor's Watch

October-December, 2005

Vol. 28, No. 4

The Right to Vote

This year is the 40th anniversary of the historic Voting Rights Act, the first national law to overcome what was essentially racial discrimination in the election laws of many states. Several sections of the law will expire in 2007 unless it is reauthorized.

This is also the year when a national commission on election reform, headed by former president Jimmy Carter and former secretary of state James A. Baker III, completed its report. The commission was created largely as a result of controversies arising from the close presidential election of 2000. The commission's mandate was to recommend some universal standards and practices that would eliminate potential discrimination against some voters and the dangers of fraud and error.

There can be no doubt that the right of every citizen to vote must be upheld and encouraged. There is no place for even small factors in the registration and voting procedures that might hinder voting, particularly among racial and other minorities.

Yet the recommendations of the Carter-Baker commission as well as those being advocated by some reformers who want to strengthen the 1965 Voting Rights Act are not adequate. All of the proposed changes continue to take for granted, without criticism, one of the most fundamental injustices of the American electoral system. And that injustice hits minority groups the hardest. The injustice to which I refer is our system of single-member, winner-takes-all electoral districts, which always favor the majority and disfavor minorities. One of the ways this system helped sustain discrimination against African-American voters is that it allowed states, until 1965, to gerrymander voting districts so that blacks were certain to be a minority in every voting district. That is why the Voting Rights Act mandated that

states draw district lines so that people of color would be in the majority at least where they constituted an actual majority in areas of residence.

A moment's thought allows one to see how inadequate this reform was to achieve justice for minority voters. The presumption is that the primary thing voters have in common is their skin color. Skin color was indeed the basis for discrimination when blacks were denied the protection of their civil rights. But once the system of fundamental racial discrimination was outlawed by means of laws such as the Voting Rights Act, then the full personhood of African-American, Hispanic, and other voters needed to be recognized in the same way that the full personhood of white voters needs to be recognized. In the civic arena of voting rights such recognition should mean that people are free to vote and be represented in government on the basis of their political convictions—convictions about who they want in office and the policies they prefer for education, the economy, international relations, and all the rest. Justice for voters has to mean more than a chance to pick someone with the same skin color. Some blacks and Hispanics, just like some whites, may be more liberal or more conservative, more pro-environment or more pro-family than others who have their same skin color.

But nothing in the Voting Rights Act or in the recommendations of the Carter-Baker commission points the way to a system that allows for minorities to be genuinely represented according to their political convictions. It is too bad that President Carter did not draw on his vast experience monitoring elections around the world to point out in the commission's report that almost every other democracy in the world has some form of a system that we can learn from and adapt to achieve justice for voters in this country. The kind of system to which I refer is based on the principle of proportionality. Voters should be represented in proportion to the number of their votes when they cast them for different candidates and parties. For example, instead of states gerrymandering voting districts, as they do now, to assure Republican or Democratic majorities, or black or white majorities, states could make their entire territory a single voting district in which candidates could be elected by a proportional system of voting. A diversity of political parties and candidates could put themselves in contention, and if 55 percent of the voters across a state cast their ballots for Republicans, then Republicans would get 55 percent of the seats, not more and not less. And if 10 percent voted for the Green Party or for the Libertarian Party or for the Civil Rights Party, then the candidates standing for that party would get 10 percent of the seats, not more and not less. No candidate should be allowed to win all by virtue of having won only a majority of the votes. Our present system is designed so that all kinds of voters who happen to vote for losing candidates end up with no representation at all.

The Voting Acts Right certainly needs to be reauthorized if it's the only means of assuring African-Americans the right to vote in the system as it exists. And most if not all of the recommendations from the Carter-Baker commission should be adopted by Congress and the states if those recommendations are the only means within the present system of improving voting procedures and technologies so that no vote is lost and no one with fraudulent intentions can succeed. But we need much more than this if the United States is to assure all voters of the representation they deserve as an outcome of their civic participation in electoral contests. We need more radical electoral reform of the kind that yields proportional representation—the kind of election system that does justice to minorities as well as to majorities.

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