A Renewed Legacy for Voting Rights: Fifty Years after Passage of the Voting Rights Act

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When President Barack Obama delivered the State of the Union Address in January, he asked Congress to honor the 50th anniversary of the Voting Rights Act by updating it to fulfill its original intent and promise. One of his invited guests was 103-year-old Amelia Boynton Robinson, who was beaten during Selma, Alabama’s “Bloody Sunday” in March 1965. Also in attendance that night was Congressman John Lewis of Georgia, whose skull was fractured during the march by violent Selma police. Both were present on August 6, 1965, when President Johnson signed the Voting Rights Act into law.

The recent Academy Award-nominated movie “Selma” depicts how the Civil Rights Movement brought national attention to the plight of African Americans in Selma, Alabama, and throughout the South, who were being denied the right to vote. “Bloody Sunday” served as the catalyst that led to the passage of the Voting Rights Act of 1965.

The planned march, which came to be known as “‘Bloody Sunday” after the horrific events of the day, was organized by civil rights workers in Alabama to protest police brutality against the new voter registration drive in Selma and the surrounding area. The march, which took place on March 7, 1965, was scheduled to begin at Selma’s Edmund Pettus Bridge and proceed for fifty miles to the state capital in Montgomery. As the marchers approached the far side of the bridge, they were met by state highway patrolmen who tear-gassed, billy-clubbed, and beat the marchers. The three television networks brought the brutality to televisions in living rooms throughout America, galvanizing nationwide support for a federal voting rights bill.

Eight days after “Bloody Sunday,” in an address to Congress, President Lyndon Johnson called on lawmakers to pass a voting rights bill. Calling “Bloody Sunday” a turning point in American history, and comparing the events of that day to Lexington, Concord, and Appomattox, Johnson, a southerner, ended his speech using the theme of the Civil Rights Movement, “And we shall overcome.” It was an affirmation of the movement and an announcement that the full force of the United States government was backing it. Though Johnson had supported the efforts of blacks to gain the right to vote, it was not a priority for him until “Bloody Sunday” and the ensuing public outrage forced the issue of voting rights to the top of the president’s agenda.

Determined to complete the march, on March 21, 1965, two weeks after “Bloody Sunday” the protesters set out again for Montgomery. This time, they were joined by 4,000 supporters, both black and white, from every corner of the country. By the time they reached Montgomery five days later, they were 25,000 strong. Dr. Martin Luther King, Jr. walked up to the capitol steps as many of the movement’s heroes accompanied him. King told his audience that by using the vote, black Americans could join whites as equals in a “society at peace with itself, a society that can live with its con-

SPECIAL EDITION: A DIALOGUE ON RACE II

Perspectives of an African American Male in Medicine P. 4
Diversity from a Hispanic/Latino Perspective P. 9
For Mike: Reflections from a Die-In P. 11
science.” Though King told his audience that the road ahead would not be easy, he exclaimed, “However difficult the moment, however frustrating the hour, it will not be long, because truth crushed to the earth will rise again. How long? Not long . . . because the arc of the moral universe is long, but it bends toward justice.”

Just five months later, on August 6, 1965, President Johnson signed the Voting Rights Act into law—it was the crowning achievement of the Civil Rights Movement. Rosa Parks, Martin Luther King, Jr., Congressman John Lewis, Amelia Boynton, and other members of the Civil Rights Movement were in attendance.

One hundred years earlier, the passage of the Thirteenth Amendment meant former slaves were free in name but they did not have citizenship rights in this country. The Fourteenth and Fifteenth Amendments to the Constitution attempted to abolish laws that excluded blacks from citizenship rights and the right to vote. The Fourteenth Amendment, ratified in 1868, defined citizenship in the United States by stating “all persons born or naturalized in the United States and subject to its jurisdiction are citizens of the United States and of the State wherein they reside.” States therefore had to rely on something other than citizenship to deny blacks the right to vote. The Fifteenth Amendment, ratified in 1870, stated the rights of “citizens 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.” These two amendments to the U.S. Constitution were attempts to bestow full citizenship rights on former slaves.

For a time it worked—blacks gained substantial political power with passage of these amendments and were elected to office in state legislatures and the U.S. Congress during the period known as Reconstruction. But many Southern whites resented African Americans voting, holding public office and exercising political power and were determined to return blacks to second-class citizenship status using legal and illegal means to accomplish their goal.

According to historian John Hope Franklin, “white terrorist organizations such as the Ku Klux Klan, and other white hate groups arose throughout the South with the express purpose of maintaining white supremacy and keeping blacks in their place.” Of note, the New York Times newspaper last spring published a map showcasing 73 years of lynching in the South. The data, compiled by the Equal Justice Initiative in Montgomery, Alabama, shows premeditated murders carried out from 1877 to 1950 in 12 Southern states, including Kentucky. The alleged offenses that triggered the lynchings included political activism and testifying in court—mere acts of exercising citizenship. Bryan Stevenson, executive director of the Equal Justice Institute, said these brutal deaths were not about administering justice, but terrorizing a community. “Lynching and the terror era shaped the geography, politics, economics and social characteristics of being black in America during the 20th century,” noted Stevenson.

In addition to threats and intimidation, white politicians in Southern states began using other tactics to deny blacks the right to vote. Because qualifications for voting are determined by individual states and not the federal government, Southern states began changing their voting laws. By 1900, most Southern states had revised their constitutions with provisions for literacy tests, poll taxes, grandfather clauses, and other devices such as the white primary and racial gerrymandering to disenfranchise blacks and poor whites. Gradually, many of these tactics were declared unconstitutional by the U.S. Supreme Court: the grandfather clause (1915), the white primary (1944), racial gerrymandering (1960), and poll taxes (1964). Still, blacks were denied the right to vote by intimidation tactics, violence and literacy tests. The movie “Selma” depicted the true burden of literacy tests—more than just proving the ability to read, the film showed how Annie Lee Cooper, played by Oprah Winfrey, was denied the right to vote by the white registrar after successfully reciting the Preamble to the Constitution and knowing the correct number of county judges in the state, but failing to be able to name all 67 of them.

Almost 100 years after passage of the 15th Amendment, few blacks in the South had ever been al-
allowed to cast a ballot. Many of these states had large black populations and some had counties that were majority black. In Mississippi in 1962, the number of registered black voters stood at 5.3 percent -- in Alabama, it was 13.4 percent.

When the Voting Rights Act was signed into law in 1965, it affirmed the right to vote throughout the nation and suspended literacy tests on a nationwide basis. Additionally, the Act included special rules for states and localities that had a history of racial discrimination, disallowing any election law changes in these places until they were approved by the Attorney General or the U.S. District Court for the District of Columbia.

The Voting Rights Act has been renewed by Congress, most recently in 2006. However, in 2013, in Shelby County v. Holder, Chief Justice John Roberts writing for the majority, stated the formula for determining which states and localities were subject to these restrictions was outdated, noting that black and white voter registration rates had reached parity and blacks were now voting at the same rate as whites.

However, Justice Ruth Bader Ginsburg in her dissent said that “Dr. Martin Luther King Jr.’s legacy and the nation’s commitment to justice had been disserved by the decision.” Additionally, she noted “the Voting Rights Act had properly changed from ‘first-generation barriers to ballot access’ to ‘second-generation barriers’ like racial gerrymandering.” We no longer have poll taxes, but the new trend is voter ID laws, seemingly harmless requirements that actually act as oppressive and onerous barriers to citizens who either cannot afford or do not have access to the documents required for a state-issued ID. According to Nicole Austin-Hillery, of the Brennan Center for Justice, “since 2010, 21 states have restricted voting rights.” Supporters of the new voting restrictions argue they are being enacted to protect against voter fraud, but according to the Southern Poverty Law Center, “voter fraud is very uncommon and these restrictions disproportionately disadvantage vulnerable members of society.”

Moreover, the nonpartisan think tank, The Sentencing Project reminds us of yet another barrier to access to voting for all Americans: the disenfranchisement of former felons. They note how several states “tailored their disenfranchisement laws in order to bar black male voters, targeting those offenses believed to be committed most frequently by the black population” and estimate that 5.85 million Americans were unable to vote in the 2014 midterm elections due to prior felony convictions.

These policies have a disproportionate impact on blacks, restricting the vote for about 1 in 13 voting-age blacks nationwide. However, the rate is even higher in some states -- in Florida, Kentucky, and Virginia more than 20 percent of voting-age blacks are unable to vote due to felony convictions even when they have served out their sentences.

In Kentucky, momentum is growing for a constitutional amendment to restore voting rights to former felons. A bill has been introduced for the past several years in the Kentucky House of Representatives and passed with bipartisan majorities only to be blocked in the Senate.

Presidential candidate U.S. Senator Rand Paul has weighed in on this debate. According to the Courier-Journal, Senator Paul said “that he believes felons should have their rights restored automatically — either immediately after completing their sentences or at some specified point after the sentences are served.”

The “second-generation barriers” that Justice Ginsberg alluded to are gutting the promise of the Voting Rights Act. Rollbacks on early voting, states’ refusal to utilize internet voting, the aforementioned voter ID laws, and continued restrictions on restoring voting rights to former felons make us wonder: Why are we making voting more difficult when we could be making it easier? On March 7, 2015, President Obama joined thousands of others from around the nation and world to commemorate the 50th anniversary of the “Bloody Sunday” march in Selma, Alabama. However, for many the march became more than a commemoration, but a renewed commitment to remain vigilant in the effort to make sure all Americans have the right to vote.

Portions of this article have previously appeared in the Louisville Courier-Journal.
Imagine a life where your potential is predetermined from birth. Due to multiple factors beyond your control, your ceiling is set. The limit is well before the sky, so to speak. Growing up an African American male in Arkansas, a former staple of the confederacy, can come with a limited worldview. I had not realized this until recently, but I didn’t meet a black physician until my sophomore year of college. I was always an excellent student and never lacked confidence. My mother and father, a teacher and butcher respectively, were always encouraging me to expect and desire more for myself. During my childhood, I saw plenty of barbers, ministers, mechanics, and other manual laborers who shared my complexion and my personality. I could see pieces of friends, family members, and myself in them. This connection was missing from my interactions with the multiple physicians I encountered throughout my life. Subconsciously, the thought of ever pursuing a career in medicine was swept away before it ever began. In my mind, black people didn’t become doctors. This was not because I figured we were somehow inherently incapable, but because I had never seen it with my own two eyes. As the saying goes, “Out of sight, out of mind”.

Eventually I gained exposure to the medical field through volunteering and participation in the SMDEP program at Louisville. Though I began this journey later than most, I earned the opportunity to receive my medical education here at the University of Louisville. Even still, I can’t help but wonder, what if? What if I had allowed myself to entertain the notion of becoming a physician sooner? Would I be better prepared for the road ahead? Would I have established more concrete connections over the years as many of my classmates have? Then again, I’ve never been one to dwell in the past. So now I venture to look toward the future and the possibilities in front of me. What is the future of a black male in medicine? You need not look far to see that there is a change occurring in this country. Young black men and women are standing together in force to combat social injustices suffered by all minorities. The once meager minority has become more vocal than ever before. At times I view the images of the many protests and demonstrations and feel overwhelming hope and pride in my generation. However, one emotion that also comes to mind is guilt. As a second year medical student, your schedule doesn’t usually allow leave for monumental events such as the 20th anniversary of the million-man march that occurred this past October. A part of me feels selfish for not being one of over a million people making sure their voices of heard. In that moment, I felt as though I wasn’t making a difference because of my decision to pursue medicine. It is one of the only times I’ve felt as though my path to a medical career has held me back from some-
thing greater. People could tell you all day long how they never felt this way their entire time in medical school but most would be insincere if they did. These thoughts and misgivings are apart of the journey and usually fleeting. The pride I feel seeing young men and women fighting for change is returned to me on a semi-regular basis. Often times, complete strangers stop me on the street. They want nothing more than to shake my hand and tell me they are proud of me. They express to me that they look at me and see potential for their sons, daughters, nieces, and nephews to do exactly what I am doing. In that moment it all comes full circle. Although I didn’t have that specific example in my youth, I can be that model for other young black children to see themselves achieve something greater. In those moments, I affect change. It is an emotion that is beyond conceivable description and an honor I never take for granted.

Of course, being a black male in medicine is not exclusively positive. There are inherent fears and reservations pertaining to future practice that sometimes dominate my thought processes. Some related to general life and workplace interactions, other specifically related to the practice of medicine. As a young African American in any workplace, there is sometimes the unspoken pressure to be black, but not too black. You think twice about every word that crosses your lips, always careful to avoid sounding ghetto or ratchet. These words among others have inaccurately been synonymous with black culture for far too long. Often different institutions pride themselves on offering a diverse and inclusive environment, but when examined further these words ring hollow. Diversity has become merely boxes to check on a form rather than genuine attitude of valuing others opinions and backgrounds. When executed properly, initiatives to increase open dialogue between different cultures can be very efficient in bridging gaps in understanding. As a physician in training and a black male, I feel it is imperative to equally value the culture and opinions of all people without inducing fear of judgment or ridicule of both the direct and indirect variety.

My chief concern about being an African-American male in medicine can be summed up in one word: perception. Perception is 99% of reality. How others view you can determine your trajectory in various ways. So what is the perception of the 20-something African-American male is 2015? As with most things, it is not exactly black and white. Recently I was reminded of this issue when a story was published about an African-American trauma nurse who was barred from a patient’s room. The father was adamantly against “any n*ggers touching my son.” She was the only nurse on duty who had experience performing the necessary procedure. However, she was not allowed and was forced to watch a child die that she had every capability to save. I couldn’t help but wonder why a man would let his child die over something so trivial. Did he believe black people were innately incompetent? Is that honestly how some individuals view African-Americans in the medical profession? For some, I will not be given the benefit of the doubt. The narrative is that I didn’t earn my position. It was given to me because of past discretions committed against people like me. The perpetuation of this false narrative is not only damaging to African-Americans of all professions, but to society as a whole. The fact of the matter is that discrediting the accomplishments of others before they’ve even had a chance to make an impression breeds a non-inclusive environment. It is with trepidation that I believe no matter how skilled or personable I am, it will never be good enough to overcome perception. That in of itself is a terrifying thought.

I am aware that I have painted a somewhat grim portrait of the future. It was not my intention. I intended to write an open and honest narrative about my inner thoughts as a future physician and a black male. These issues are real and they will not go away simply because it would be more convenient for me. I intend to confront the obstacles facing me with the same vigor that preceded my entrance to medical school. The medical field has made great strides to improve diversity and inclusion of all willing to work for it. It is my hope to move the needle just a little bit further for the next generation. That is how I affect change.
Diversity from a Hispanic/Latino Perspective
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Recently, I participated enthusiastically in a Spanish conversation lunch hosted by the Hispanic and Latino Faculty and Staff Association. It always amazes me to see the interest and excitement that the medical students display during those sessions while they try to do their best to converse in Spanish. I try to remind them that it is not about how good your language skills are while providing care to a Hispanic or Latino patient. What really matters to those patients, is that the providers at least TRY to pronounce their names right or at least say “hola yo no hablo español,” while they call an interpreter.

The population of the United States continues to become more diverse. According to the US Census Bureau, white ethnicity will compose less than 50% of the population in the next 30 years or less. Academic and private institutions need to adapt to diversity. How can we do that? I come from a diverse background, and although I do not consider myself as an expert, I feel I acquired some training first at home and later in medical school.

I feel diversity is found in many environments. Even in a Latino country, finding people with different backgrounds and cultures is possible. I remember as a young medical student having formal classes to become more culturally competent and be prepared for my future when I would be providing medical care to culturally diverse populations. Participating in health brigades was part of the curriculum and involvement in the community was expected from us.

I think educating ourselves is the way to become more competent in culturally challenging issues and what better way to do so than having people with diverse backgrounds at our workplace.

Since arriving to the University of Louisville as a faculty member, I feel I belong, regardless of my background. When I started three years ago, I shared the workplace with five other subspecialists. I was the only one with a strong accent when I spoke and I was the only one that did not have a Caucasian last name. However, I did not feel different. I am not sure if it was because I am so fortunate to have landed in the department of pediatrics; In general pediatricians are considered happy and nice people. It might have been the wonderful people I worked with in the division or maybe just because the School of Medicine at the University has worked hard to make diversity initiatives one of its working priorities.

I guess I arrived at the University at a good time. It does not matter why; the important thing is that I have found a home away from home at this institution. I hope other faculty, staff, and students whether they are Kentuckian or not, Americans or foreign, white or black, can one day feel as welcomed as I do. It is important everyone to let others know about how we as a University can make that happen. At the same time, we must continue working on sharing the resources we have and improving opportunities for recruitment so we all can feel at home. Change is not going to happen in one day and, as a community, we still have a lot to learn from each other so we all feel we belong.
On December 10, 2014, students at more than 70 medical schools—the largest ever protest of its kind—protested the lack of indictments for police killings in Ferguson, Mo., and New York of Black men to spotlight racial bias as a public health issue. The University of Louisville School of Medicine joined in the protest. The following poem was written by one of the participants, Veronica Morgan Jones, reflecting on her experience.

For Mike: Reflections from a Die-In

1 second
I don’t feel the creeping cold of the pavement yet. Only aware of the strewn bodies around me, my mind turns from counting the moments of our living dying to wondering what he was thinking.

15 seconds
Did he have the chance? To think, I mean. Or was it an immediate ripping of him from us; his soul passing to an unknown where, before he even understood.

27 seconds
Likely we have been blessed with more time to contemplate his premature departure than he. And where does that leave us? With more questions than I had before I laid my body down, white coat and all, in protest.

30 seconds
It’s colder now. He wasn’t afforded the right to feel this cold and damp. But we are left here to feel for him. To cry for him. And soon, to stand for him.

44 seconds
It’s easy to die when living. It’s clean and sterile in these starched white Uniforms of Privilege. But will the courage come when we dust off in a few seconds?

50 seconds
And so I wonder, with my arms splayed to my side—missing only my white chalked outline—where do we stand from here?

52 seconds
The tears come, unbidden and unwelcome, because I am simply weary. I am bodily tired of being justifiably angry. This burning pit in my stomach will not quit until change comes. And when?

55 seconds
This is all of our issue. A do no harm issue. We are losing a generation to apathy and hate. And it’s almost time to come back to life.

59 seconds
Fearful, we will stand. Knowing that one second can change anything or nothing. We will remove the dust to dust and go forth, emboldened and changed and marred... but do we go forth unto change?

60 seconds
Lives matter. Seconds matter. Mike mattered. We will Rise and make it so.