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## Black Politics, the GOP Southern Strategy, and the Reauthorization of the Voting Rights Act

Katherine Tate\*

\*University of California, Irvine, ktate@uci.edu

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## Abstract

The extension of the temporary provisions of the 1965 Voting Rights Act sailed through Congress and was signed into law by President George Bush on July 27, 2006 without any major turbulence. The absence of major politics over its renewal in 2006 is striking when compared to the partisan battles in its 1982 extension. President Bush and the Republicans had an opportunity to water down the VRA, given that Blacks appear less politically radical or extremely liberal than in the 1980s. But GOP leaders did not pursue a southern strategy by contesting the VRA. Their reluctance confirms that Black power is solid. Black members of Congress framed the issue in a way that the administration recognized that blacks and minorities would mobilize if VRA renewal was challenged in a significant way.

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\*Katherine Tate is Professor of Political Science and a member of the African American Studies Program at the University of California, Irvine. She is also the author of *Black Faces in the Mirror; African Americans and Their Representatives in the U.S. Congress* (Princeton University Press, 2003).

The extension of the temporary provisions of the 1965 Voting Rights Act sailed through Congress and was signed into law by President George Bush on July 27, 2006 without any major turbulence. The House and Senate voted 390-33 and 98-0 respectively in favor of its reauthorization for another 25 years until 2032. The absence of major politics over its renewal in 2006 is striking when compared to the partisan battles in its 1982 extension. Senator Jesse Helms, but not Strom Thurmond this time, objected to the Act's extension in 1982 (Thernstrom 1987). In 2006, the House Judiciary Committee worked for months in relative quiet to gift the Congress with a bipartisan measure that resembled the tough 1982-amended Voting Rights Act. The relatively easy manner in which Bush greeted the major civil rights players at the White House signing ceremony, such as Julian Bond, chairman of the NAACP, and the Reverend Jesse Jackson, suggested that this Republican President was no longer seeking to distance himself from Black civil rights activists as a means to appease the White southern bloc of voters with his party's southern strategy approach. By southern strategy, I mean not specifically GOP support for a race card style of politics that feeds on Whites' racial resentment of Blacks and helps the party's candidates win elections (see Mendelberg 2001), but support for a set of policies and policy objectives beginning with Richard Nixon that favor the racial status quo. Bush's vetoing the extension of the VRA would have been a real blow to minority political aspirations.

Black political power appears solid. In 1982, Blacks were still engaged in a political struggle to expand their influence specifically within the Democratic party that included the Reverend Jackson's presidential bids (Tate 1994; Walters 1988). In 2004, two Black candidates ran for the Democratic party's presidential nomination. In 1982, there were 18 Black members of Congress; in 2006, there are 43. The objective of this paper is to explain, then, how this new solid political position of Blacks within the Republican-controlled Congress and Black public opinion also fixed the GOP will to embrace the Voting Rights Act without contentious politics. Other reasons will be identified as well, but to credit Blacks and their political power today as a primary reason is why political scholarship needs to take seriously the expansion of the role of minority groups in U.S. politics today.

The role of Black public opinion is a critical piece in the puzzle over the GOP's acquiescence to this important minority voting rights legislation. The GOP had cards favoring their interest in watering down VRA protection, but the party's will to carry this out was somehow negated. There appears to be some interest in minority voters on the part of the Republican party, as evidenced by the fact that Bush's percentage of minorities serving in his administration in 2000 matched the percentage that served in the Clinton administration, which was an historical record. In another paper, I argue that the new interest of the GOP in Black voters

is based not on Bush's party leadership, or even the growth in the numbers of minority voters, but instead, a moderation in Black public opinion that appears today less liberal (Tate 2004).

An important card in President Bush's favor was that Blacks appeared less politically radical than in the 1980s. Although Blacks backed Jesse Jackson's bids for the Democratic party's presidential nomination in 1984 and 1988, and were vocal critics of the Reagan administration, they expressed less urgency over racial injustice and civil rights protection. Black Democrats did not strongly endorse the Democratic presidential bids of the Reverend Al Sharpton and former U.S. Senator Carol Moseley Braun in 2004. This absence of radical Black politics implied that Blacks might accept weaker VRA protection in 2007. But the GOP didn't play this card. President Bush's opposition to the renewal of the VRA could ignite Black and Latino political activism, the latter group already mobilized as a response to the immigration reform debate in the U.S. Congress. Black political leaders, as I will explain later, were prepared to object if President Bush signaled any opposition to reauthorization of the Act.

Politics that inevitably emerges over the Act's extension rests on complicated legal points. Much was made of the VRA's being "permanent" following its 1982 extension, even though major provisions of the law are temporary and permanent features can be amended. In the 1982 VRA extension legislation, Section 2, permanent federal law, was the point of contention. Voting rights activists can sue jurisdictions for violating Section 2 of the VRA. It was amended in 1982 so that election laws having the result of reducing minority voters' ability to elect candidates of their choice are prohibited under the VRA (Davidson 1994). Section 4, Section 5, and Section 203 were the major parts of the VRA that the Republicans would have wanted changed or eliminated in their bipartisan bill. For Blacks, harming in any way Section 4, which provides the basis for identifying which jurisdictions require federal oversight, and Section 5, which requires covered jurisdictions to submit election changes to the Justice Department, would unfurl the same highly partisan politics legislators experienced in its extension politics for the 1982 VRA. Section 203, which provides language assistance to non-English speaking minorities, was another GOP target, but went hand-in-hand with the other temporary provisions for Blacks. In staying clear of civil rights concerns and groups, and courting the church, Bush more than likely hoped to evade the mobilization of civil rights groups that eliminating Section 5 and Section 203, or modifying Section 4 – and possibly opening a door to constitutional challenge – would ignite.

A second, related GOP card that the party might have played successfully to water down minority voting rights protection is to push the idea that Blacks might accept that Blacks and other minorities no longer need federal protection for their voting rights. In contrast to 1982, a record number of southern states covered by

the VRA now had Blacks serving in the U.S. House of Representatives. Congressional testimony by critics of the measure, such as House Republican Terry Everett of Alabama, pointed out that covered states like Mississippi and Alabama lead the nation in the number of Blacks holding public office (*The Congressional Record* 2006b). In an early study of Black public opinion on voting rights and minority-majority districts in 1996, I found that Blacks had contradictory opinions over the continued need for minority voting rights protection. In this 1996 survey, a set of experimental “counter-argument” questions asked Blacks if they favored redistricting practices based on “colorblind” techniques. The majority of the 1,216 Blacks favored “race-neutral” redistricting, but when told immediately afterwards as a counter argument that meant fewer Blacks and Hispanics would be elected to office, a majority (50 to 57%) said that they would switch positions and oppose race-neutral redistricting plans (Tate 2003b). The survey results indicate that the framing of the extension politics of the VRA will be essential in determining whether Blacks would vocally object to the expiration of its temporary provisions. Blacks will likely mobilize if letting the temporary provisions of the VRA expire is explained to Blacks as meaning, therefore, that fewer Blacks and Latinos will win elective office. Blacks might not mobilize if told, on the contrary, that their voting rights as American minorities are already protected even if the VRA is not extended in 2007.

Some of the early coverage of the Voting Rights Act in Black newspapers, in fact, was biased in minimizing the need for special protection in part because they emphasized that Blacks’ access to the ballot box was secure and that Section 2 of the VRA was permanent protection that enhanced the effectiveness of the 15<sup>th</sup> amendment in court challenges to discriminatory redistricting plans. The Black press reported on a hoax that Blacks would lose their voting rights if the VRA was not extended in 2007. Reporting on this hoax, *Black Enterprise* in 1997 explained that while the VRA was up for reauthorization in 2007, “there is absolutely no chance that blacks will lose their right to vote” (Williams-Harold 1997). However, “the Act remains a vital ‘buffer’ to the 15<sup>th</sup> Amendment,” and the magazine added, there is concern that the Republican-dominated Congress will vote against its extension (Williams-Harold 1997). Other papers, such as the *New York Amsterdam News* and *The Atlanta Inquirer*, also reported on this hoax in 1998, 1999, and, papers repeated this story, again, in 2002 and 2003. New York House Representative Charles B. Rangel (1998) addressed the hoax in the *Amsterdam News*, explaining, “There is no expiration date on the African-Americans’ voting rights.” He added, “While some provisions of the Voting Rights Act will expire in the year 2007, the most important protections of the African-American voting rights will remain in place.” However, he noted, the

expiration of the temporary provisions has “serious implications for non-English speaking citizens and for the election of minority office holders.”

An analysis of Black newspaper articles on the VRA in *Ethnic NewsWatch*, however, reveals that the Black press began systematic coverage of the VRA emphasizing its extension as important to Blacks politically in 2003 and 2004.<sup>1</sup> In addition to Black members of the U.S. House of Representatives, traditional Black civil rights leaders played an important role in extension politics. The Reverend Jesse Jackson’s reenactment of the “Bloody Sunday” march over the Selma, Alabama bridge started the Black press to remind Blacks of the need for the federal government’s protection of minority voting rights. One early article on the “voting rights act” and “2007” in 2001 covered Jackson’s Selma reenactment march, but a number of “Bloody Sunday Remembered” articles on the voting rights act in the Black press appeared throughout 2005. The re-enactment marches and rallies were an important component of Blacks’ political strategy to mobilize support for VRA renewal, if necessary. The speeches, rallies, and re-enactment marches of the Reverend Dr. Joseph Lowery, an original co-founder with the Reverend Dr. Martin Luther King, and former president of the Southern Christian Leadership Conference, in 2005 and 2006 were systematically covered. “Lowery” appeared in 5 percent of the 224 *Ethnic NewsWatch* VRA articles. “Jackson” appeared in over one-quarter (26%) of the VRA news stories. However, his activities covered a wide spectrum from interviews, speeches, marches, rallies, and panels with Black members of Congress and other Black activists. Thus, the Reverend Jesse L. Jackson Sr. generally dominated in the coverage by the Black press of VRA extension politics.

The Black press gave its most extensive coverage of the “VRA” and “2007” in 2005. An average of 10 articles every month appeared on this topic. The extensive coverage in 2005 suggests that Black political leaders (both elected and non-elected) as well as opinion leaders were prepared to mobilize Black voters if President Bush appeared opposed to extending the VRA. In a meeting with the

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<sup>1</sup> An analysis of Black press VRA articles is based on an Endnote and ProQuest search of Black, Caribbean, and African newspaper articles on the “Voting Rights Act” and “2007” in the text and citation (as opposed to the abstract) from the *Ethnic NewsWatch* archive. All dates through 7/28/06 were selected as opposed to a range of dates. Scholarly journals were excluded and duplicate articles were purged. The search yielded a total of 224 VRA articles. The *EthnicWatch* archive includes over 300 ethnic and racial minority newspapers; approximately 35 Black, Caribbean and African newspapers had articles on the voting rights act; most of these newspapers were archived beginning in 1991. A second ProQuest search from 2001-2006 on the “Voting Rights Act” in the abstract and citation yielded 334 articles. This second data set contained more articles focused on the redistricting challenges and election concerns as opposed to articles solely on the reauthorization of the VRA. Reference searches on “Selma,” “Bloody Sunday,” “Lowery,” and “Jesse Jackson,” for example, yielded approximately the same number of articles. In addition, I found that the rate of Black press coverage on the VRA peaked in 2005 in this data set as well.

Congressional Black Caucus (CBC), Representative Jesse Jackson Jr. of Illinois asked President Bush if he would support the extension of the Voting Rights Act. Reportedly Bush told the CBC that he “did not know enough about the particular law to respond to it” (Page 2005; Martin 2005). Blacks felt this landmark legislation required a more substantial response in 2005 from the president. Once President Bush was reported in the Black press as supporting its extension in January 2006, Ethnic Newswatch VRA articles in the Black press tapered off to 3.9 per month in 2006.

Significantly, most Black members of Congress elected not to debate the technical and legal specifics of the VRA in their support for its reauthorization. Their framing of support for VRA reauthorization emphasized the law’s historic legacy in the context of a racial America. The framing of Black congressional support resided largely on the major theme that the Act was an untouchable symbol in light of the blood shed by civil rights activists to win its passage in a violent period in American history. The 109<sup>th</sup> Congress’ VRA reauthorization bill was named after three, now deceased, Black female civil rights activists: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. Black members’ testimonies, such as Texas’s Sheila Jackson-Lee, were modeled after Georgia Representative John Lewis who was there at that Bloody Sunday march events that forced the U.S. government to enact legislation protecting the right of Black Americans to vote. Georgia Congressman Lewis represented for the nation a living symbol of the legacy of the civil rights struggle. In his statement of support for the reauthorization act, he stated: “The history of the right to vote in America is a history of conflict, of violence, of struggle for the right to vote. Many people died trying to gain that right. I was beaten and jailed because I stood up for it. The experience of minorities today tell us that the struggle is not over, and that the special provisions of the Voting Rights Act are necessary” (*The Congressional Record* 2006a). Black House member James Clyburn stated the following in his statement of support for reauthorization: “I used to teach history, and I always told my students that if a thing has happened before, it can happen again. And I do know that if we do not have the protection of the Voting Rights Act, we can see our States revisiting many of those creative devices” (*The Congressional Record* 2006a). Some, however, like Representatives Cynthia McKinney and Bennie G. Thompson, argued for support on the basis of recent acts of minority voter disenfranchisement through purges and intimidation and minority vote dilution in their states (*The Congressional Record* 2006a). Representative William L. Clay Jr. referred to increasing number of Department of Justice objections to submitted election plans as well as minority voter disenfranchisement (*The Congressional Record* 2006a).

The debate on H.R. 9 was not tightly focused on specific cases of state and county discrimination against minority voters. Representative Conyers, who

testified that he took his oath of office in January 1965 and participated in the debate over the 1965 VRA, pointed out that in 2006 “though there is much to celebrate, efforts to suppress or dilute minority votes, let’s face it, are still too common” (*The Congressional Record* 2006b). While pointing out that the DOJ and courts must continue to intervene to protect minority voting rights, he, nonetheless, framed his support for the VRA as a symbol of the civil rights struggle that the country cannot afford to lose. Rep. John Conyers, Jr. called the VRA the “crown jewel of constitutional democracy of this country” (*The Congressional Record* 2006b). Rep. Juanita Millender-McDonald, also, in her testimony referred to the Act as the “crown jewel of America’s civil rights laws” (*The Congressional Record* 2006a).

Equally important in explaining why harsh partisan politics did not emerge is that House Republicans generally debated in similar terms in not raising specific objections to allegations of that a pattern of discrimination continues to exist against minority voters. Some like Tom Davis, a Republican from Virginia, testified to the continued importance of Section 5, stating further, that his state had a history of discrimination against minority voters, but that his state had jurisdictions that successfully bailed out of Section 5 coverage (*The Congressional Record* 2006b). The Republican story on the VRA extension politics, and notably the politics in the U.S. Senate, is important, but not addressed directly here. GOP support includes more than likely the interest of state governments to minimize the redistricting legal battles their states incur. Conservative-sponsored amendments, nonetheless, targeted Section 4, Section 203, the bail out provision, and the length of the extension. These amendments got votes ranging from 96 to 185, the latter for lifting the federal mandate on multi-language election material. Black representatives, notably Charles Rangel of New York, whose district includes a sizeable percentage of Latino voters, were adamant about their support for Section 203. Eliminating language assistance for minorities, Rangel argued, was tantamount to disenfranchising them, and equivalent to the Jim Crow tactics used against Blacks in the South (Rangel 2006).

Black House member Elijah Cummings referred to the VRA amendments as “poison pill amendments.” Here, some Black House members like Cummings objected to these amendments in very specific terms, including the fact that new laws, such as the litigated Georgia law requiring a government photo ID, were recently enacted that would disproportionately burden minority voters. Nonetheless, North Carolina’s Melvin Watt, elected in 1992 in a new-VRA district, also pointed out in congressional debate that the Norwood amendment, targeting the coverage formula, was similar to Senator Strom Thurmond’s 1975 VRA amendment (*The Congressional Record* 2006b). Again, Black representatives were prepared to “turn back the clock” and charge the GOP with

playing legislative games with these amendments whose purpose was to let jurisdictions maintain racially-biased political systems.

While specific acts of voter discrimination were not prominent in the debate, neither were Supreme Court cases in the House debate. However, the VRA was amended as a congressional response to Supreme Court rulings in both 1982 and 2006. In the 1982 extension of the VRA, *City of Mobile v. Bolden* mobilized the civil rights lobby to amend Section 2 so that the discriminatory effect of the election law was prohibited (Davidson 1994). In *Mobile v. Bolden*, the Supreme Court sided with a plan that diluted the voting rights of minorities because the racial animus behind the plan was not apparent. In H.R. 9, *Georgia v. Ashcroft* and *Reno v. Bossier Parish School Board II* were added to Section 2. Explicitly, Section 2 states that the U.S. Supreme Court “misconstrued Congress’s original intent in enacting the Voting Rights Act of 1965 and narrowed the protections afforded by section 5” in these two rulings (H.R. 9). Finally, while voter disenfranchisement that occurred in the 2000 presidential election was not a prominent part of Black House members’ support for the reauthorization of the VRA, H.R. 9 extended the temporary provisions with the 2000 contested presidential election in mind. Sections 6 through 9 provide the Attorney General the authority to appoint federal registrars, who can also directly monitor the voting process in covered jurisdictions (Davidson 1994).

A third card the Republicans could have played is enlisting centrist Blacks to accept a more GOP-oriented bipartisan reauthorization bill. The percentage of Blacks holding extremely liberal views has decreased significantly over time (Tate 2004). The Republican party, however, has not benefited yet at the national level from this trend. There is evidence Black voters will support conservative bipartisan legislation that Democrats initiate. In spite of the near unanimous voting opposition of Black members of Congress to welfare reform in the Clinton administration in the 104<sup>th</sup> Congress, in a 1996 survey of Blacks, the majority of Blacks supported the bipartisan and conservative welfare legislation that ended the federal entitlement of permanent welfare support to poor families in need (Tate 2003a). All the evidence, thus far, points to the GOP needing to abandon an effort to fight against the extension of the VRA because the way in which Black traditional civil rights leaders and the CBC were highly prepared to cry foul if the GOP diminished in any way the “crown jewel” of the civil rights struggle. In the 109<sup>th</sup> Congress, Representative Jesse Jackson Jr. sponsored a bill to place a statue of Rosa Parks in Washington, D.C., which was approved by unanimous consent and signed by President Bush into law in December 2005, as the Judiciary Committee on the Constitution was considering reauthorization of the Voting Rights Act.

The nation’s reaction to the Voting Right Act’s reauthorization was very quiet this time, and yet, there remains a regional difference. The press coverage on the

VRA in 2006 in the *New York Times* and *Washington Post* was limited in comparison to coverage on the VRA in 1982. In 1982, the *New York Times* issued an editorial in celebration of its extension (*New York Times* 1982); in 2006, there was only a photo of the signing ceremony. In what needs to be pointed out, the *Atlanta Journal-Constitution*, however, issued an editorial in 2006 on the VRA's extension entitled, "Voting Rights Act Still Necessary." The *Atlanta Journal-Constitution's* editorial board writer, Lyle V. Harris, chastised Georgia Republicans for calling Section 5 "burdensome and obsolete," and sided with Georgia Black Democrat John Lewis in saying that America has not yet arrived at the day when federal oversight is unnecessary (Harris 2006). Black editorial writer for the *Atlanta Journal-Constitution*, Cynthia Tucker, nonetheless, writes that Bush's support for the VRA was "so much smoke-and-mirrors" because his Justice Department is stacked with conservatives who will not likely enforce the VRA effectively (Tucker 2006). Nonetheless, Democratic party control can return, and the VRA's effectiveness in empowering minorities is real.

The extension of the VRA confirms that Black political power is solid, even as there is evidence that a new political climate exists in the Black community based on public opinion data. The CBC has a record of legislative accomplishments, more than they are credited for by the press and by some congressional scholars. Paul Frymer (1999) lists as one significant Caucus victory the 1982 Voting Rights Act extension, even as his data show strikingly few mentions of the CBC in the *New York Times* and *Washington Post* in 1982 compared with other years from 1970 to 1996. The Black civil rights organizations also play a critical role in African American politics both in 1982 and 2006 for the national press. While the Black press gave the Reverend Jackson most credit for his role in the Act's reauthorization, the minority newspapers also faithfully credit members of the CBC as well. There is also suggestive evidence that the nature of Black politics is changing, but not necessarily in a predicted fashion with Black elected leaders taking a more prominent role over traditional civil rights leaders in promoting policies and laws that favor Black liberal interests (Reed 1986). Rather, these two types of Black leaders work as partners in a fashion that respects protest politics.

That Black Democrats would mobilize against the GOP, if contentious politics erupted over the VRA, is why I think the GOP agreed to a quiet and near-unanimous extension. And that there are real prospects for the GOP to win some moderate level of Black political support is another reason why reauthorization sailed through Congress. What role will the GOP's southern strategy continue to play in national politics? President Bush's signature on the reauthorized VRA represented his party's acceptance that the nation still needs federal supervision of its electoral process for jurisdictions having a history of racial discrimination for not 10, but another 25 years. Thus, whether the GOP is giving up its southern

strategy in response to minority political power – or putting it temporarily on hold – remains an important question that scholars need to pursue.

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