

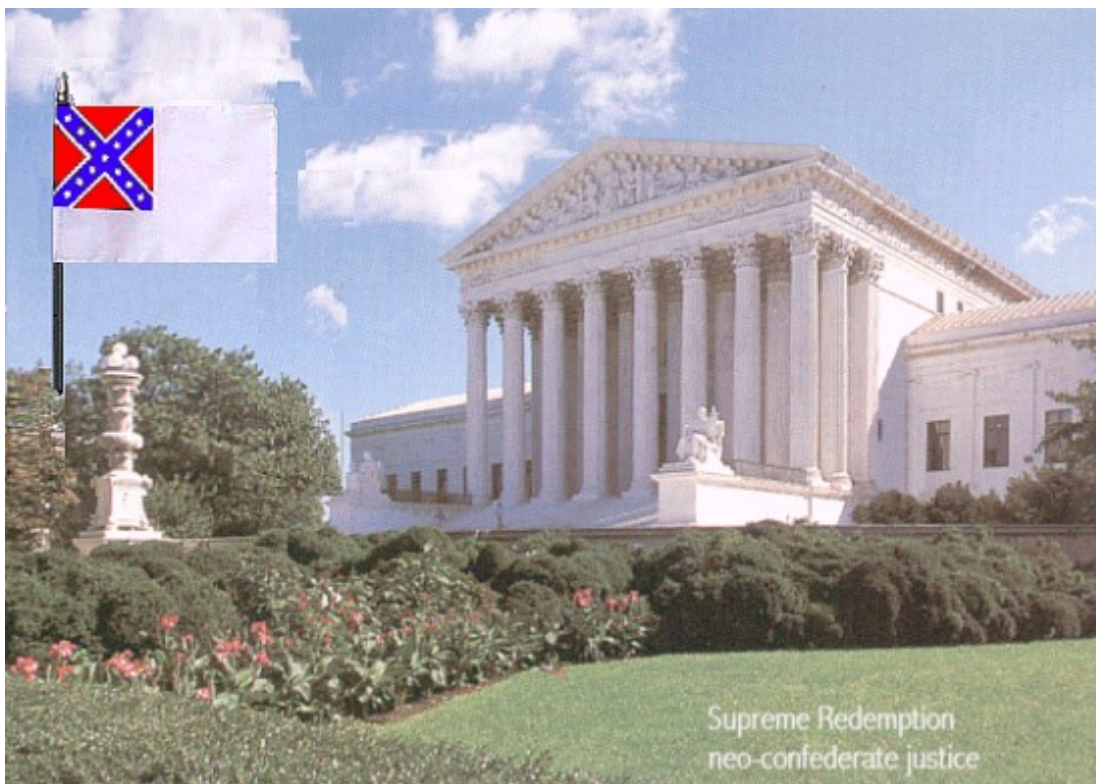
The Right to Vote Act!

A REPORT PREPARED BY THE DC_STATEHOOD GREEN PARTY ELECTORAL COLLEGE TASK FORCE (DCSGP_ECTF) AND THE DOUGLASS INSTITUTE OF GOVERNMENT (DIG).

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"The Redeemers who overthrew Reconstruction and established 'Home Rule' in the Southern States conducted their campaign in the name of white supremacy."

...The Strange Career of Jim Crow,
C. Vann Woodward, 1974, 31.



"Practically all relevant decisions of the United States Supreme Court Court during Reconstruction and to the end of the century nullified or curtailed rights of Negroes which many of the Reconstruction 'Radicals' thought they had written into laws and into the Constitution. Some of these decisions are still generally accepted ..."

... The Betrayal of the Negro From Rutherford B. Hayes to Woodrow Wilson,
Rayford W. Logan, 1965, 97.

The Right to Vote Act

VS.

A Right to Vote Amendment

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The proper constitutional response to the electoral abuses in the 2000 and 2004 Presidential election is not to engage in a struggle for passage of a "right to vote" constitutional amendment, but to exercise the will to pass a "***Right to Vote Act***" to enforce the "right to vote" provision of the second section of the Fourteenth Amendment to the constitution of the United States. The 102nd Congress passed the *Civil Rights Act of 1991*. As specified in Section 3(4) one purpose is "to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination." The act reversed several neo-redemptionist Supreme Court decisions throughout the 1980's that limited the "equal protection" provision of the first section of the Fourteenth Amendment. It is now clear that *The Right to Vote Act of 2005* is needed to restore and protect the citizens "right to vote" provision of the second section of the Fourteenth Amendment by overruling the neo-redemptionist Supreme Court decision in *Bush v. Gore(2000)*.

Progressives must not impute credence to *Bush v. Gore's* crass neo-redemptionist ruling with ill-considered support for adding a legislative insult by Congress to the Supreme Court's judicial injury to the citizen's right to vote.

It is our position that a proper and courageous response is to honor the abolitionist and democratic spirit embodied in the Reconstruction Amendments. We should honor those amendments to the Constitution that represent the crowning achievement of the ultimate sacrifice made in the Civil War by that "*band of brothers*" of Americans of European and African descent to effect "*a new birth of freedom*" and forge "*a more perfect union*". We shall not be so presumptuous as to assume that we may improve on the work of progressive legislative giants such as Thaddeus Stevens and Charles Sumner or presume to second-guess the considered judgment of a Frederick Douglass. We seek not to amend their inspired vision but to bring it to fruition.

In that spirit, In October, 2004, the Green Party of the United States endorsed a statement that called for "enforcement of the 14th Amendment's guarantee that voters enjoy equal protection and treatment in their representation by the Electoral College", demanded "that apportionment of Electoral College votes reflect the actual votes within states" and held "that awarding Electoral College votes on a 'winner-take-all' basis constitutes an unconstitutional abridgment of the right of all American citizens to have their votes counted, effectively disenfranchising them and violating Section 2 of the 14th Amendment."

[http://www.gp.org/press/pr_10_18_04.html]

Accordingly, the DC Statehood Green Party Electoral College Task Force and the Douglass Institute of Government has drafted "The Right to Vote Act" as model legislation to effect the enforcement clause of SECTION 5. of the 14th Amendment. We submit that this draft of "The Right to Vote Act" be placed before the Congressional Black Caucus so that they may fulfill their historical role as the moral conscience of the Nation. We challenge Congress to pass the first and only mal-apportionment penalty enforcement act for violations of the citizens of the United States "right to vote" provision of Section 2 of the 14th Amendment pursuant to title 2, section 6, of the United States Code' i.e:

2USC§6 :

Reduction of representation: Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

Let us put the Congress of the United States of America on the public record, before the world, if they deliberately choose to ignore an explicit constitution remedy that by its plain textual language subordinates congressional representation to the citizen's "right to vote" because they value the "brotherhood" of the representatives of Congress and the dictatorial duopoly of their parties over democracy.

We urge all public policy organizations and political parties that champion democratic electoral rights to support "**The Right to Vote Act**" and affirm that every vote will be counted that was cast.

Preamble

The United States Supreme Court ruled in *Bush v. Gore*, On December 12th, 2000, that the United States of America is a democracy without a Constitutional right to vote. The presidential elections of 2000 and 2004 have clearly established the ineffectiveness of The Voting Rights Act of 1965 in securing the franchise of United States Citizens from discrimination under the Fifteenth Amendment to the Constitution of the United States. The Civil Rights Acts enacted by congress to enforce the "equal protection" clause of the Fourteenth Amendment have not secured non-discriminatory standards in the exercise of the citizens right to vote. These enforcement acts have proved to be necessary but not sufficient to effect the "right to vote" provision of the second section of the Fourteenth Amendment to the Constitution of the United States. An enforcement act to redress disparate voter disenfranchisement is needed to address the negation of the citizens constitutional right to vote as represented in the retrograde *redemptionist* ruling of the Supreme Court in *Bush v. Gore*.

Right To Vote Act

AN ACT to enforce the mal-apportionment penalty (MAP) for the denial or abridgment of a citizen's "right to vote" contained in the second section of the fourteenth amendment to the Constitution of the United States and for other purposes..

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "**Right To Vote Act**"

PROPORTIONAL APPORTIONMENT

SEC. 2. The mal-apportionment penalty mandating a reduction of representatives pursuant to 2U.S.C.§6. is established if the totality of circumstances in an election results in the denial or abridgment of a eligible class of citizens of the United States right to vote at any election specified in the amendment to the Constitution, article 14, section 2, or wherein the election results may be altered by the violation of any section of this act.

SEC. 3 No class of citizens of the United States can be counted by the state for determining the basis for congressional representation if the state denies or abridges such citizens in the exercise of their right to vote, and such a state will have its representation in the electoral college reduced in the proportion that such class of citizens votes shall bear to the whole number of votes cast in any election for the choice of electors for President and Vice-President of the United States..

VOTING MACHINES:

SEC. 4 Voting is a public function. All voting tabulation systems used for the counting and/or recording of votes in any election enumerated in the amendment to the Constitution, article 14, section 2. shall be administered by public government officials.

SEC. 5 No state shall implement proprietary computer code in proprietary machines in any election specified in the amendment to the Constitution, article 14, section 2.

BLACK BOX VOTING:

SEC.6 States must maintain voting records on any election named in the amendment to the Constitution, article 14, section 2. in such manner that voter class distinction is transparent upon public inspection to determine if the mal-apportionment penalty is warranted for the denial or abridgment of the right to vote of any class of United State citizens that are inhabitants of the state or to expose basic voter tabulation system inequities and/or errors.

REAFFIRMATION OF EX-FELONS RIGHT TO VOTE:

SEC.7 Abolition of all state "civil death" laws. The right to vote is reaffirmed for any inhabitant of a state that is a citizen of the United States and has fulfilled all obligations to the government for the participation in crime, except for participation in rebellion or criminal conspiracies to deprive citizens of their right to vote under the provisions of this act.

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