

# DNC Racists Eviscerated Voting Rights Act

by Barbara Boyd

On March 27, 2000 the U.S. Supreme Court refused to apply the Voting Rights Act to the Democratic Party's practice of refusing to count the Presidential primary votes of Lyndon H. LaRouche, Jr. By the same action, the court sustained the position of the Democratic National Committee (DNC) and a three-judge court sitting in the District of Columbia: that the Democratic Party is a "private club" and can exclude anyone it chooses—the very same argument employed by the Democratic Party throughout its racist past to exclude blacks and other minorities from the political process.

In his argument in *LaRouche vs. Fowler*, the DNC's lawyer, Jack Keeney—echoing the views of U.S. Supreme Court Justice Antonin Scalia—asserted that if the Voting Rights Act applied to the DNC and to the Party's nomination process for President of the United States, it should be held unconstitutional and nullified. Yet Congress, in passing the 1965 Act, explicitly applied it to the Presidential nominating process.

## Fowler's Exclusion Rule

The case arose in 1996, when then-Democratic Party Chairman, Donald Fowler, ordered the State Democratic Parties in Virginia, Louisiana, and Texas to disregard votes cast for LaRouche and his supporters in the Presidential primaries and caucuses in those states. As a result, Virginia Democrats dissolved a Congressional District caucus which had sufficient Democratic voters pledged to LaRouche to elect a delegate to the Democratic National Convention. In Louisiana, LaRouche received sufficient votes in the primary to elect delegates to the National Convention. Despite a state law mandating election of LaRouche delegates, Louisiana Democratic Party officials refused to hold that election, citing the Fowler edict. In Texas, where party elections were held to elect delegates to a state convention which, in turn, elected the National Convention delegation, Democratic Party officials stripped elected delegates to the state convention of their status, and substituted other delegates in their place, because the duly elected delegates were pledged to LaRouche.

In response, LaRouche and a group of voters brought suit, charging Fowler and the other responsible Democratic Party officials with violations of the U.S. Constitution and the Voting Rights Act of 1965. Thomas Penfield Jackson, the U.S. District Court Judge first assigned to the case, gave a foretaste of what was to come by refusing to convene a three-judge panel as mandated by the Voting Rights Act. Instead, Jackson



*South Carolina racist Democrat Donald Fowler, who as head of the DNC in 1996 promulgated rules that the Party was a "private club" and could exclude whom it wanted to—Lyndon LaRouche and his delegates.*

dismissed the lawsuit in response to lawyer Keeney's racist "private club" arguments; while musing at one point that it might be legal for the Democratic Party only to recognize white males.

This performance by a Judge renowned in legal circles as the dumbest in Washington, D.C., was too much for the D.C. Circuit Court of Appeals who remanded the case back to Jackson, ordering him to convene a three-judge panel. But the three-judge panel, which Jackson dominated, sustained the DNC's argument, thereby eviscerating what was left of the landmark 1965 Voting Rights Act.

The Voting Rights Act was passed to put an end to years of legal machinations and violence aimed at preventing minorities from voting. It required that the Justice Department pre-approve any procedure which might hinder the ability to vote, or to have that vote counted. Both the legislative history of the Act itself, and Justice Department regulations, make clear that it explicitly applies to party nomination processes.

The argument employed by the DNC and endorsed by the Court explicitly resurrects the argument utilized by 11 southern states for decades, to exclude black voters and other minorities. In response to attempts to enforce the 14th and 15th Amendments governing state-sponsored elections following the Civil War, the Democratic Party "privatized" its nominating process. The White Primary cases document how Southern Democrats argued that since their nominating processes were private, and they had a constitutional right to freely associate, their actions excluding blacks were without legal remedy.

Prior to *LaRouche vs Fowler*, a faction of the U.S. Supreme Court led by Justices Scalia, Rehnquist, and Thomas had long sought to dissolve the Voting Rights Act. In a 1996 statement in open court, Justice Scalia said he would approve of the establishment of all-white political parties, if they were privately funded. The DNC's actions in *LaRouche v. Fowler* made one of the Civil Rights Movement's proudest achievements a legal nullity.