



## DISCUSSION GUIDE

### THE EMBATTLED VOTE IN AMERICA FROM THE FOUNDING TO THE PRESENT

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# WHO GETS TO VOTE?

## CONVERSATIONS ON VOTING RIGHTS IN AMERICA

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Allan J. Lichtman, *The Embattled Vote in America: From the Founding to the Present*.  
Cambridge: Harvard University Press, 2018.

1. It is striking that many of the debates over voting and democracy sound the same today as they did in the 1790s, even as our nation and society have changed in countless profound ways. In your reading of Lichtman's *The Embattled Vote in America*, what has changed and what has remained the same about voting rights in the United States over the last 230 years?
2. At the start of *The Embattled Vote in America* and throughout the book, Lichtman focuses on the fact that despite enumerating several specific rights, the United States Constitution contains no guarantee of the citizen's right to vote: "Among many enumerated rights that the government cannot abridge, the right to vote remained conspicuously absent and remains so to this day" (2).

Later Lichtman argues that a constitutional right to vote, as proposed in 2013, "would rebalance the scales of justice in favor of the voter, not the state" (233). What does he mean by that? Do you agree? How might such a constitutional amendment function to promote greater democracy? Do you think the passage and ratification of such an amendment in the near future is likely? Why or why not?

3. United States history is sometimes taught, especially to school-age children, as an optimistic narrative of progress, in which democracy is gradually expanded in an episodic way as different groups—first unpropertied white men, then African American men, then women, then 18-to-21-year-olds—attained the right to vote. Lichtman, however, argues in his introduction that "[t]he advancement of voting rights in the United States has not by any means followed a straight line of continuous enfranchisement" (7).

Does the story told by Lichtman differ from the version of US history you learned in school? If so, how? Does the book require us to rethink the celebratory narrative of continuous progress? Or retire it completely? Is there some civic benefit to the more optimistic view of progress? Are there costs in sticking to a celebratory narrative of US history? How might American democracy—and American citizens—be better served by a more skeptical view?

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4. In 1776, the opening line of the Declaration of Independence proclaimed an egalitarian ideal: “all men are created equal.” Recently, in *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality*, scholar and activist Danielle Allen has called for recentering the concept of equality in our understanding of the Declaration and of our nation’s founding.

What is the connection between voting rights and the civic ideal of equality? What does Lichtman’s history of voting rights tell you about the progress of legal, political, social, racial, and gender equality? Did reading this book make you think differently about the idea of civic equality? If so, how?

5. Lichtman places great emphasis on the Voting Rights Act of 1965, and his perspective is shaped by his experience as an expert witness testifying for the Justice Department in Voting Rights Act cases as much as by his scholarship. He also sees the erosion of the act, particularly by the 2013 *Shelby v. Holder* decision and its elimination of preclearance requirements for some localities, as central to what he calls “the new wars over the vote” (chapter 7).

What were the major accomplishments of the 1965 act, and how has it continued to be relevant to American politics? What about recent criticisms of the act—that it was a product of, and a response to, a different set of circumstances that no longer apply to 21st-century America? That, in the words of the *Shelby* decision, it is “based on 40-year-old facts having no logical relationship to the present day” (197)? Do you agree?

In a general sense, what are the advantages and disadvantages, the strengths and weaknesses, of the act as a guarantor of American voting rights in the 21st century?

6. Lichtman is a political historian, and *The Embattled Vote in America* is centered on politics, politicians, legislation, and legal battles. Could you argue that there is also a cultural dimension to the topic of voting rights, and more broadly, to the topic of civic participation in American public life? Could institutions outside of government and law—such as schools, churches, neighborhoods, and even families—engage with the issues of justice, fairness, and equality that are at the center of voting rights struggles? What roles might they play? Have local

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institutions in your life grappled with these issues? If so, how?

7. Did reading *The Embattled Vote in America* make you think about your own role and position in American democracy? How so? Had you been alive in 1790, or in 1870, or in 1920, or in 1960, would you have been able to vote?

Did reading Lichtman's book make you more or less optimistic about the present and future prospects for American democracy? How so? Has the book moved you to take action? If so, how?

8. The United States has just completed a presidential election in which more Americans participated than ever before. In the midst of a pandemic, nearly 160 million people, or 66.3 percent of the electorate, voted, a higher rate of voter turnout than any election since 1900. The aftermath of this election has seen an unprecedented crisis for our democracy. What connections did you draw between Lichtman's history and the election of 2020? Do you think the book provides useful context for what is happening now? In what way(s)? And what do you think Lichtman might have said had he been able to add a postscript in January 2020?