Summary: The U.S. Supreme Court’s June 26 decision represents a crucial leap forward for LGBT rights. However, it takes place at the very time that the Court has pushed the country further backward on race relations – Editors

One Leap Forward, Two Leaps Back: Forward Progress on LGBT Rights vs. Backward Movement on Civil Rights of African Americans

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The U.S. Supreme Court’s June 26 decision to strike down the Defense of Marriage Act (DOMA) and its dismissal of the defense of California’s Proposition 8 (which prohibited same-sex marriages) for lacking legal standing, represent a crucial leap forward for gay rights. However, it takes place at the very time that the Court has pushed the country further backward on race relations by striking down (only a day earlier) the central provision of the 1965 Voting Rights Act while also further raising the bar on affirmative action in a challenge to the policies of the University of Texas at Austin.

As we celebrate the forward movement on LGBT rights, it behooves us to consider what it means that matters are moving in precisely the opposition direction it comes to issues of race.

The Court’s 5-4 decision to strike DOMA was not only important in preventing the federal government from denying legal and financial benefits to those couples in the 12 states that have so far legalized same-sex marriage. The language of Justice Kennedy’s ruling, which held that withholding federal recognition of same-sex married couples “demeans the couple, whose moral and sexual choices the Constitution protects…and whose relationship the State has sought to dignify,” clearly signals support for viewing same-sex marriage as a constitutional right. Although the Court chose, for now, not to take up on the merits of the issue by not ruling one way or the other on the content of Proposition 8, it seems only a matter of time before same-sex marriage is considered an inalienable right.

Thanks to the Court’s decisions, California now effectively becomes the 13th state to have gay marriage, and many other states are bound to follow in its path now that the inherent “dignity” of same-sex relations has been explicitly affirmed. This certainly represents a remarkable leap forward, considering where this country stood on this issue only a few decades ago.

What, then, are we to make of the Court’s incredibly regressive decision to strike down Section 4 of the 1965 Voting Rights Act—one of the cardinal achievements of the Civil Rights Movement, which made it possible for millions of African-Americans and other minorities to participate in the political process?
Section 4 of the 1965 Voting Rights Act prevents nine states with a history of racial discrimination, as well as an additional 12 cities and 59 counties, from changing their elections rules or laws without federal approval. Its adoption was one of the signature achievements of the Civil Rights Movement and has proved of critical importance in enabling African-Americans and others to participate in the political process,

The Court’s argument that the passage of time has rendered the Voting Rights Act superfluous does not hold up to even the most superficial scrutiny. One only need recall the 2000 Presidential election, when tens of thousands of African-Americans were disenfranchised in the state of Florida, or the more recent election of 2012, when numerous states tried to make it harder for Blacks and Latinos to cast their ballots. A good number of them were among the nine states that the Act was intended to supervise. The Act has been invoked more than 1,000 times since 1982 to block proposed changes to ballot access that would deprive Blacks and Latinos of their voting power.

This ruling, shocking as it was, was not really that surprising—the Court has been trying to move the country backward on race relations for years now, as its various rulings restricting the scope of affirmative action only further underlines. At the same time that the country leaps forward on gay rights, it seems to be leaping backward on racial relations.

None of this, of course, should temper anyone’s enthusiasm over the outcome of the rulings on same-sex marriage. But neither should it intoxicate us into thinking that the U.S. is becoming a more open and progressive country than is in fact the case.

While legal victories are providing LGBT people with greater rights, we seem to be seeing at the same time an increase in anti-LGBT violence. Last May there were substantial legal victories in Rhode Island, Delaware, and Minnesota, yet there was also 19 reported incidents of anti-LGBT violence in New York City alone, the most disturbing being the murder of Mark Carson, a young, gay, Black man who was shot in Chelsea. These sorts of incidents, as well as our country’s history following the Civil Rights Movement, show us that the struggle is far from over. Racism is alive and well, and heterosexism will continue even after all 50 States are dragged into the 21st century.

Racism remains the Achilles heel of U.S. society, and the struggle against it the touchstone of forward movement in the country as a whole. Just as the struggle for LGBT rights would be inconceivable without the Civil Rights, Black liberation, and Latino consciousness movements that preceded it, LGBT activists need to speak out and organize against the gutting of the Voting Rights Act and affirmative action.

Clearly, the retrogression on race relations that is so evident in this country today is bound to have negative repercussions on the continued advance of all struggles—not alone those of African-Americans. As we celebrate the defeat of DOMA, let us keep in mind that it is impossible to live a dignified life where one race or ethnicity is allowed to progress at the expense of another.