



Seven states backing Shelby County in appeal of voting rights case to the U.S. Supreme Court

Mary Orndorff Troyan : Thursday, August 23, 2012

WASHINGTON, D.C. -- Seven states, including Alabama, are backing Shelby County's legal challenge to the heart of the Voting Rights Act, according to written arguments filed today with the U.S. Supreme Court.

Shelby County's case alleges that Section 5 threatens state sovereignty by forcing every city and county in covered areas to get permission to move a polling place or redraw district lines, for example. The areas were singled out by Congress 47 years ago because of their record of blatant discrimination against blacks at the ballot box. Such racism is history now, the states argue.

"Section 5 served a noble purpose, and America is a freer and better place for it," states the brief filed by Alabama, Arizona, Georgia, South Carolina, South Dakota and Texas. "But Congress's refusal to amend the statute after this court identified its infirmities (in a Texas case) ... means that this court is the last and only branch of the federal government that can defend the state's coequal sovereignty."

Alaska, which has its own lawsuit challenging Section 5's constitutionality, filed a separate brief supporting Shelby County's petition. It says that state's unique geography and small population require nimble election procedures to best accommodate voters.

"But because it is covered by Section 5, Alaskan officials have been frustrated in their efforts to best serve the Alaskan public by attorneys in Washington, D.C. who most likely have never set foot in this state," the state's attorneys wrote.

The last time the U.S. Supreme Court considered the issue was a 2009 case from a local utility district in Texas. Only Georgia joined the cause. It argued the 1965 law was unfairly burdening certain states that were no more likely to disenfranchise minority voters than any other state.

The justices back then voiced concerns about the law's constitutionality but didn't rule on it, prompting a flurry of new challenges. Shelby County's is emerging as a popular contender for the court to take another look.

The Voting Rights Act bans discrimination nationally, but only nine states and parts of seven other states are covered by Section 5, which gives the federal government especially strict oversight over their elections.

Congress in 2006 renewed the Voting Rights Act for 25 years. Two lower courts have ruled against Shelby County and deferred to the judgment of Congress that the law remains a necessary tool to protect minority voters. The U.S. Justice Department is defending the law, and it is joined by national civil rights and civil liberties groups, and a group of black residents of Shelby County.

Other organizations siding with Shelby County so far include the Mountain States Legal Foundation, the National Black Chamber of Commerce, the Cato Institute, the Pacific Legal Foundation and seven former Justice Department officials.