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**Continuing Fight to Protect the Voting Rights Act
By Ryan P. Haygood
BlackCommentator.com Guest Commentator**

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The long march toward political equality for Blacks and other people of color recorded an important victory on May 30, 2008 when a three-judge federal court in Washington, D.C., upheld Congress' recent 25-year extension of Section 5, a key provision of the Voting Rights Act of 1965.

The Voting Rights Act of 1965, the crown jewel of American democracy, is the most effective tool for protecting minority voters against persistent and constantly shifting techniques that impede minority voting strength. Section 5 of the Voting Rights Act covers the entire state of Texas and all or part of 15 other jurisdictions with a well-documented history of voting discrimination. As a covered jurisdiction, Texas must submit all proposed voting changes in the State to the Department of Justice or a federal court for pre-clearance before the changes can take effect.

The case decided last week, *Northwest Austin Municipal Utility District Number One v. Mukasey*, was filed by a small utility district in Austin, Texas just days after Congress overwhelmingly voted to reauthorize the federal oversight provisions of the Voting Rights Act in the summer of 2006.

The utility district argued that it was entitled to "bailout" or seek exemption from

coverage under Section 5 and that Congress did not have the power to enact the extension. The utility district also maintained that discrimination in voting rights does not exist today as it did in 1965 and that continued coverage imposed a "badge of shame".

The Court rejected both arguments, holding that the utility district was not eligible for a bailout because that opportunity is limited to jurisdictions that conduct voter registration, which the utility district does not do.

In rejecting the utility district's second argument, the Court disagreed with the contention that racial discrimination in voting does not persist in the modern day. "This case implicates Congress's express constitutional authority to remedy racial discrimination in voting" under the Fifteenth Amendment, the Court maintained, and "given the extensive legislative record documenting contemporary racial discrimination in voting in covered jurisdictions, Congress's decision to extend Section 5 for another twenty-five years was constitutional."

As the Court recognized, the record in the case, which spans more than 16,000 pages, documents the essential role that the VRA plays in pursuing political equality for minorities.

The record contains numerous examples of Section 5's role in barring and deterring voting changes that would have been harmful to minorities. For example, since the VRA's passage, every plan initially submitted by Louisiana to redraw districts for the State's House of Representatives has been rejected by a federal court and/or the Department of Justice, and frequently challenged by civil rights groups as discriminatory. Without Section 5, the burden of proof that a new voting law will not weaken African-American voting strength, whether intended or not, would shift from the state or local government to the people whose collective voice would be lost at the polls before a remedy could be implemented.

More broadly, as a result of the VRA, the number of Black elected officials in this country increased nearly fivefold within five years after its passage. Today, there are over 9,000 Black elected officials, 43 of whom serve in Congress. Most of these officials are elected from districts created or protected under the VRA where minorities form a majority of the voters. Moreover, as a sign of continuing progress, the sole Black member of the US Senate made history this week by becoming the first Black Democratic Nominee for the President of the United States.

These are accomplishments of which we as a nation can be proud.

What remains to be done, however, is as daunting as the advances in the march toward political equality have been great. As we celebrate the Court's important ruling here, which likely will be appealed to the Supreme Court, a continued threat to roll back the accomplishments of the VRA stands before us. To be sure, other challenges like those launched by the utility district in Texas will be mounted.

In addition, jurisdictions will likely continue to resort to increasingly sophisticated tools and devices to restrict the rights of minority voters including the adoption of restrictive government-identification requirements, intimidation, deceptive practices, purging of voter rolls, and aggressive challenges inside the polls on Election Day. We must vigilantly defend against those attacks while ensuring that Section 5 is vigorously enforced as a tool to block threats to the fragile gains that have been made on behalf of African American voters

We owe it those whose human sacrifice led to the passage of the VRA and to the future of American democracy to continue the march toward the fulfillment and protection of the VRA, both in the courts and in our communities.

BlackCommentator.com Guest Commentator, *Ryan Paul Haygood*, is a resident of Newark's South Ward and a civil rights attorney in New York City and an Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc. ([LDF](#)). As Co-Director of the NAACP Legal Defense Fund's (LDF) Political Participation Group, he, along with a team of the nation's leading civil rights organizations and a leading Washington law firm, defended the Voting Rights Act of 1965 before three federal judges in the Nation's Capitol. Click [here](#) to contact Mr. Haygood.

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