Shelby County v. Holder / Supreme Court should strike down section 5 of the Voting Rights Act

< Shelby County v. Holder

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Position: Supreme Court should strike down section 5 of the Voting Rights Act

This position addresses the topic Shelby County v. Holder.

For this position

> Verrilli did not deny that Section 5 takes a toll on federalism. Kennedy, whose vote is apt to be decisive, described the toll disapprovingly as a federal “trusteeship” over the covered states and jurisdictions. Citing the Marshall Plan and other excellent laws that were not necessary forever, Kennedy said: “Times change.”

From In a rut on the voting rights act, by George F. Will (*New York Post*, March 3, 2013) (view)

> The Constitution says the federal government must treat all states equally under the law. This is called the "equal footing" doctrine, and exceptions require extraordinary circumstances to pass legal muster. Such circumstances certainly prevailed in 1965 when Congress passed the Voting Rights Act to overturn local and state laws that denied blacks their right to vote.

From Voting Rights Watershed, by The Wall Street Journal editorial board (*The Wall Street Journal*, February 28, 2013) (view)

> Local governments in covered areas must beg federal bureaucrats in Washington for approval whenever they want to, say, move a polling place, redraw district boundaries or implement voter-ID requirements. Texas is fed up with the federal meddling and filed a brief on behalf of Shelby County.

From Voting rights showdown, by The Washington Times editorial board (*The Washington Times*, February 27, 2013) (view)

Against this position

> On the day known to all as Bloody Sunday, some 600 unarmed civil rights leaders marched across the Edmond Pettus Bridge in Selma, Alabama; they were met by state troopers with nightsticks and tear gas. Gutting the Voting Rights Act is disrespectful to all civil rights leaders who were brutalized while fighting these injustices. Dishonoring the work of these brave men and women is akin to trampling on the graves of those who gave their lives for our rights.

From Why we need the Voting Rights Act, by Eddie Bernice Johnson (*USA Today*, March 7, 2013) (view)

> The 2012 election also provided ample evidence that such protections are still needed. The Voting Rights Act played a role in successful efforts to prevent several states, including Pennsylvania, from implementing voter-identification laws that were expected to discourage minorities from showing up at the polls. And despite those efforts, there were still cases like that of the 102-year-old Florida woman who had to wait more than three hours to cast her ballot. Her state curtailed early voting, causing long lines at polling places.

From Voting rights are still vulnerable, by The Philadelphia Inquirer editorial board (*The Philadelphia Inquirer*, February 28, 2013) (view)

> The NAACP Legal Defense and Educational Fund argues that voting dilution — for example, when officials slice and dice minority populations into myriad districts to limit their electoral influence — is “an old poison in new bottles.” Even if the Justice Department is objecting less, protecting the right to vote is of such importance that Congress should have the authority to use strong measures to protect it.

From The Voting Rights Act’s work isn’t finished, by The Washington Post editorial board (*The Washington Post*, February 26, 2013) (view)

> Indeed, the Justice Department has used Section 5 thousands of times over the years to reject changes to voting law that would discriminate against minorities. Photo ID laws are just the latest example. There have been efforts to rewrite district lines, registration procedures and other rules that would have had the practical effect of reducing minority participation. Shouldn't this be an easy call for a Supreme Court? It certainly has been for lower courts, and it would require a truly activist judge to overturn a measure that had such a long history and such overwhelming support by Congress

From Voting Rights Act isn't obsolete, by The Baltimore Sun editorial board (*The Baltimore Sun*, February 26, 2013) (view)

Mixed on this position

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