

LAW & JUSTICE

Setback for Voting Rights Act of 1964

Divided court says law doesn't meet 'current conditions'

(AP) — A deeply divided Supreme Court on Tuesday halted enforcement of the federal government's most potent tool to stop voting discrimination over the past half century, saying it does not reflect racial progress.

In a 5-4 ruling, the court declared unconstitutional a provision of the landmark Voting Rights Act that determines which states and localities must get Washington's approval for proposed election changes.

President Barack Obama, the nation's first black chief executive, issued a statement saying he was "deeply disappointed" with the ruling.

The decision effectively puts an end to the advance approval requirement that has been used, mainly in the South, to open up polling places to minority voters in the nearly half century since it was first enacted in 1965, unless Congress can come up with a new formula that Chief Justice John Roberts said meets "current conditions" in the United States.

Roberts, writing for a conservative majority, said the law Congress most recently renewed in 2006 relies on 40-year-old data that does not reflect racial progress and changes in U.S. society.

"The coverage formula that Congress reauthorized in 2006 ignores these developments, keeping the focus on decades-old data relevant to decades-old problems, rather than current data reflecting current needs," Roberts said.

Obama was sharply critical of the ruling and called on Congress to reinvigorate the law.

"While today's decision is a setback, it doesn't represent the end of our efforts to end voting discrimination," the president said. "I am calling on Congress to pass legislation to ensure every American has equal access to the polls."

That task eluded Congress in 2006 when lawmakers overwhelmingly renewed the advance approval requirement with no changes in the system by which states and local jurisdictions were chosen for coverage. And Congress did nothing in response to a high court ruling in a similar challenge in 2009 in which the justices raised many of the same concerns.

Tuesday's decision means that a



Representatives from the NAACP Legal Defense Fund stand outside the Supreme Court in Washington, D.C. on Tuesday, awaiting a decision on the Voting Rights Act of 1964. The Supreme Court ruled that the landmark law cannot be enforced until Congress comes up with a new way of determining which states and localities require close federal monitoring of elections. (AP photo)

host of state and local laws that have not received Justice Department approval or have not yet been submitted will be able to take effect. Prominent among those are voter identification laws in Alabama and Mississippi.

Going forward, the outcome alters the calculus of passing election-related legislation in the affected states and local jurisdictions. The threat of an objection from Washington has hung over election-related proposals for nearly a half century. At least until Congress acts, that deterrent now is gone.

That prospect has upset civil rights groups which especially worry that changes on the local level might not get the same scrutiny as the actions of state legislatures.

Justice Ruth Bader Ginsburg, joined by her three liberal colleagues, dissented from Tuesday's ruling.

"Hubris is a fit word for today's demolition" of the law, Ginsburg said.

She said no one doubts that voting discrimination still exists. "But the court today terminates the remedy that proved to be best suited to block that discrimination," she said in a dissent that she read aloud in the packed courtroom.

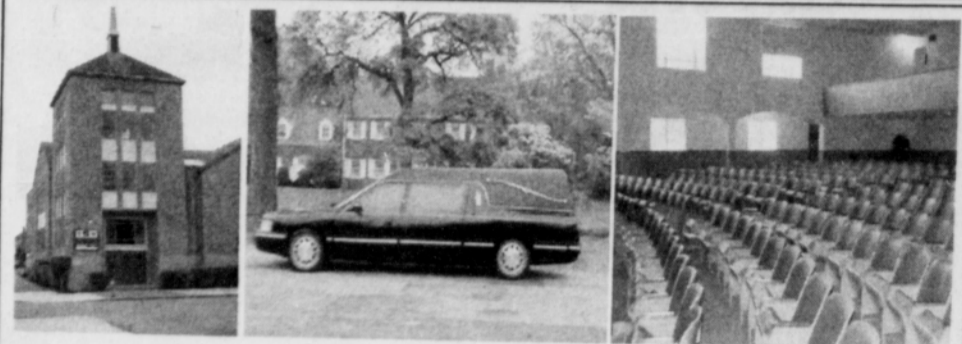
Justice Clarence Thomas was part of the majority, but wrote separately to say again that he would have struck down the advance approval requirement itself.

Civil rights lawyers condemned the ruling.

"The Supreme Court has effectively gutted one of the nation's most important and effective civil rights laws. Minority voters in places with a record of discrimination are now at greater risk of being disenfranchised

than they have been in decades," said Jon Greenbaum, chief counsel for the Lawyer's Committee for Civil Rights Under Law. "Today's decision is a blow to democracy. Jurisdictions will be able to enact policies which prevent minorities from voting, and the only recourse these citizens will have will be expensive and time-consuming litigation."

Sherrilyn Ifill, president of the NAACP Legal Defense and Educational Fund, said, "This is like letting you keep your car, but taking away the keys."



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