

# TENNESSEE STATE CONFERENCE

## NAACP NEWS

For Immediate Release: June 27, 2013

### **NAACP OUTRAGED BY THE SUPREME COURT'S DECISION TO INVALIDATE SECTION 4 OF VOTING RIGHTS ACT**

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On Tuesday, June 25, 2013, the Supreme Court made a major decision that impacts voting rights for every American. In striking down Section 4 of the Voting Rights Act -- but leaving Section 5 untouched -- there is no longer a mechanism in place to prevent states with a history of voter disenfranchisement from enacting such laws. While this is a setback, it is by no means the end of the game. The Supreme Court's decision gives Congress complete authority to ensure no person is denied the right to vote. Communities of color, the young, women, elderly, and disabled voters are at risk. We must tell Congress to take immediate action to protect the voting rights for millions of Americans.

The [Supreme Court issued its decision in \*Shelby County v. Holder\*](#), the challenge to the constitutionality of the preclearance provisions of the Voting Rights Act. That portion of the Act was designed to prevent discrimination in voting by requiring all state and local governments with a history of voting discrimination to get approval from the federal government before making any changes to their voting laws or procedures, no matter how small.

In an opinion by Chief Justice John Roberts that was joined by Justices Scalia, Kennedy, Thomas, and Alito, the Court did not invalidate the principle that preclearance can be required. But much more importantly, it held that Section 4 of the Voting Rights Act, which sets out the formula that is used to determine which state and local governments must comply with Section 5's preapproval requirement, is unconstitutional and can no longer be used. Thus, although Section 5 survives, it will have no actual effect unless and until Congress can enact a new statute to determine who should be covered by it.

The Voting Rights Act is a landmark law that outlaws discriminatory voting practices that have been responsible for the widespread disenfranchisement of racial and ethnic minorities in the U.S. Congress has very strong constitutional authority through the Fourteenth and Fifteenth Amendments to protect voting rights, and the Supreme Court has consistently upheld the VRA.

Section 5 of the Voting Rights Act requires covered jurisdictions to submit any proposed changes in voting procedures to the U.S. Department of Justice or a federal district court in D.C. for a determination of whether that change is discriminatory. This process is known as "preclearance." In 2006, an overwhelming bipartisan majority of Congress voted to reauthorize Section 5 for another 25 years, after reviewing extensive evidence and testimony.

Tuesday's five to four decision of the U.S. Supreme court removed a section of the 1965 Voting Rights Act which provides for the oversight and control of restrictive changes in voting rights. Our National President/CEO Ben Jealous, stated that, "The Supreme Court just aided and abetted those who seek to suppress our right to vote. A narrow majority has ruled that Section 4 of the Voting

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Rights Act is unconstitutional. This is the formula used to determine which states and localities need preclearance before changing their voting laws.”

Although Tennessee was not among the states required to seek preclearance because of their history in voting rights, they have actively been involved in making laws to restrict voting rights of citizens, as have over 31 other states across the country. This particular section of the law represented the regulatory teeth which enabled restrictive measures to be blocked in 14 states by veto, referendums, court decisions or the Department of Justice in the last two years alone. This year 11 courts blocked restrictive voting laws. Most of these restrictions dealt with voter suppression through photo identification, felony disenfranchisement, and proof of citizenship laws.

The Tennessee State Conference NAACP joins the National NAACP and Units across this state and nation in reaffirming our efforts to ensure protection for voters in this democratic society.

- The voting rights Act is a vital tool to protect voters from losing their rights to vote simply because of their race
- Section 5 of the Voting Rights Act, provides special protection in places with an egregious history of discrimination
- Without the formula and this protection voters could face an onslaught of restrictive legislation ahead of elections from local and state entities
- We demand solutions to ensure the voting rights of all
- The Constitution is incredibly clear that Congress has complete authority to ensure that no voter is denied the right to vote on account of race.
- We urge Congress to continue its legacy of protecting voters from discrimination
- We are committed to working with local, state and federal officials to make sure the ballot remains free, fair, and accessible for all.
- This decision insults the legacy of those like Medgar Evers who sacrificed their time and lives to secure the right to vote.
- We call upon all individuals and organizations of good will who support voter equality to join in this nationwide effort
- We urge Congress to revisit the Bipartisan spirit of 2006 and move expeditiously to do everything within their power to protect voting rights.

**Founded in 1909, the National Association for the Advancement of Colored People is the nation’s oldest and largest civil rights organization. Its half-million adult and youth members throughout the United States and the world are premier advocates for civil rights in their communities, conducting voter mobilization and monitoring equal opportunity in the public and private sectors.**

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