



## Supreme Court Rejects Challenge of the Voting Rights Act

On June 22, 2009, the U.S. Supreme Court rejected a challenge to the constitutionality of Section 5, (called the preclearance provision) of the Voting Rights Act ("VRA") in *Northwest Austin Municipal Utility District Number One ("NAMUD") v. Holder*. This provision generally required that covered jurisdictions (of which Alaska is one) submit any voting changes to the Department of Justice before implementing them. The DOJ then accepts or rejects that proposed change based on whether it will negatively impact the ability of protected minorities to cast their vote. In the 8 to 1 opinion, authored by Chief Justice Roberts, the Supreme Court recognized that "[t]he historic accomplishments of the Voting Rights Act are undeniable." The ruling also described Section 5's critical importance in addressing voting discrimination faced by citizens throughout our country.

One of the reasons the Supreme Court rejected the challenge is that Congress had amassed a voluminous record of ongoing discrimination sufficient to warrant renewing Section 5. During the Congressional hearings for VRA reauthorization in 2006, Congress collected more than 16,000 pages of evidence and heard testimony of dozens of witnesses. NARF in particular was asked to provide testimony about widespread discrimination against Native language speakers in the State of Alaska. NARF also drafted a report on this subject, which is available at [www.narf.org](http://www.narf.org). This same report was later published in the Fall 2007 edition of *Southern California Review of Law and Justice*. NARF later filed a lawsuit, called *Nick v. Bethel*, against the State of Alaska for the VRA violations first uncovered in the report.

With respect to the NAMUD case, the NARF Alaska office submitted an *amicus* brief to the U.S. Supreme Court on behalf of our clients in the *Nick v. Bethel* case. NARF argued that Alaska's recent violations of the VRA – including many that occurred even after the reauthorization of the VRA in 2006 -- demonstrate that discrimination still exists and that the preclearance provisions remain vital remedial measures to provide Alaska Natives with equal registration and voting opportunities. NARF also argued that Alaska is a perfect example of what Congress had in mind when it found that "without the continuation of the VRA's protections, racial and language minority citizens will be deprived of the opportunity to exercise their right to vote, or will have their votes diluted, undermining the significant gains made by minorities in the last 40 years."

Section 5 continues to be essential to protect Alaska Natives from the state's discriminatory practices and the present effects of past discrimination. State officials have been recalcitrant to correct identified violations of the VRA, even though many are easily remedied through outreach and proper training. Quite simply, Section 5 is necessary to protect Alaska Natives from potentially discriminatory voting changes and NARF is pleased that the Supreme Court has upheld this critical protection.