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For generations after the Civil War, Southern blacks were denied the right to vote by an array of insidious practices. Poll taxes, "grandfather" clauses, literacy tests and good moral character requirements — combined with sporadic brute force — kept Southern electorates lily-white.

America has made great strides in securing the franchise for all of its citizens over the last half-century. But, as Congress found when it reauthorized the Voting Rights Act in 2006, cases of racial discrimination in voting are not just a relic of the Jim Crow past. To take just two of the many examples cited by Congress: In 2001, the white mayor of Kilmichael, Miss., canceled local elections after Census data revealed that blacks had become a majority of the town's population. When the Department of Justice ordered the city to hold an election two years later, Kilmichael elected its first black mayor.

In 2004, the white district attorney of Prairie View threatened to prosecute students from a historically black university if they attempted to vote. When students ran for local office, the town tried to reschedule early voting during their spring break.

Nor are these just scattered anecdotes. As Congress also observed: White voters in Florida, Texas and Virginia are registered to vote at rates 11 to 31 percent higher than minorities. Blacks account for just one in five state legislators in six Southern states where they make up about one-third of the population. No black has ever been elected to statewide office in Louisiana, Mississippi or South Carolina. And more than 700 proposals to change voting procedures were rejected by the Department of Justice from 1982 to 2004 because of their discriminatory purpose or effect.

Confronted with this mountain of evidence, Congress voted overwhelmingly in 2006 to reauthorize the Voting Rights Act. One of the provisions that Congress reauthorized requires certain jurisdictions — including Texas — to submit all proposed changes in voting procedures for "pre-clearance" by the Department of Justice. It is this pre-clearance provision that prevented Kilmichael and Prairie View from going ahead with their schemes, and that Congress referred to as "one of the Voting Rights Act's most effective tools."

But in a much-anticipated decision last month involving an obscure Texas utility district, the Supreme Court declared that the pre-clearance provision raises "serious constitutional questions." While leaving the provision intact for now, an eight-justice majority complained that its geographical coverage formula is based on decades-old data and may no longer reflect current patterns of discrimination. The court was also uneasy about the provision's applicability to all changes in voting procedures and all jurisdictions in covered states.

Some have hailed this outcome as a victory for the Voting Rights Act. While that may be true, the decision should also be understood as a shot across Congress' bow. If Congress does nothing, there is a strong possibility that the pre-clearance provision will be struck down when it is next considered by the court. On the other hand, the provision might well be saved by a targeted amendment that addresses the court's concerns.

What might such an amendment say? The most obvious possibility is to update the coverage formula so that it reflects current data. Registration and turnout statistics from the most recent presidential election would then be used to determine coverage. Another option would be to revise the formula, perhaps by changing its definition of banned "tests or devices" or focusing on disparities between white and minority voting patterns. Congress could also make it easier for jurisdictions to "bail out" of the pre-clearance requirement or reduce the requirement's 25-year lifespan.

None of these ideas would be easy to enact. Congress' near-unanimity in 2006 was due largely to the coverage formula's renewal without any alteration. If the subject is reopened, currently covered jurisdictions might seek to escape the pre-clearance requirement, currently uncovered jurisdictions might oppose becoming subject to it, and a messy legislative fight would almost certainly take place.

Still, racial discrimination in voting, while much reduced in recent years, remains all too prevalent in many parts of the country. The pre-clearance provision is the most powerful weapon against such discrimination that Congress has ever devised. Now that the provision's constitutionality has been pointedly questioned by the Supreme Court, Congress should do what it can to save it.

The ensuing debate may be difficult, but the benefits — defending and perhaps even improving the crown jewel of all civil rights legislation — are incalculable.

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