



## THE UNINTENDED CONSEQUENCES OF SECTION 5 OF THE VOTING RIGHTS ACT

By Edward Blum

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Born from bloodshed in March 1965, when six hundred black protestors marching for the right to vote in Selma, Alabama, were set upon by state troopers wielding clubs and tear gas, the 1965 Voting Rights Act (VRA) was, as President Lyndon B. Johnson declared at the time, “a triumph for freedom as huge as any victory that has ever been known on the battlefield.” Unfortunately, in the four decades since its passage, amendments and legal developments have transformed this once-simple law into muddled and contradictory legislation. In *The Unintended Consequences of Section 5 of the Voting Rights Act* (AEI Press, December 2007) Edward Blum argues that the VRA, now far removed from its original purpose of ensuring voting rights for millions of African Americans, has become a costly, pernicious tool for gerrymandering and incumbent protection.

Drawing on public records, press accounts, and personal interviews with state and local officials as well as grassroots activists, Blum highlights the real-world consequences of the implementation of Section 5:

- A 1991 skirmish over black and Hispanic voters in Texas brought about the creation of a new gerrymandered congressional district shaped, in the words of a panel of federal judges, like “a microscopic view of a new strain of disease.”
- In 2000, Arizona established a bipartisan commission to draw competitive election districts to end safe seats for life for Arizona’s congressional representatives. The commission came under such pressure from incumbent politicians threatening to wield the VRA to protect their racial voting blocs, however, that the new map allowed less partisan competition than ever.
- The Department of Justice cited Section 5 of the VRA to deny the tiny town of North, South Carolina, permission to annex the home of an elderly white couple who wanted the benefit of city services. The DOJ claimed that North had a history of annexing the homes of whites, not blacks—and that the addition of two more white voters would unfairly slant town elections against black voters.

Blum concludes that the current implementation of Section 5 has devolved into frivolous, unproductive, and partisan bickering. The VRA, he argues, is no longer a law designed to protect individuals' right to vote, but a gerrymandering tool used to further the electoral prospects of incumbent politicians—regardless of their race.

Why did Congress renew Section 5 in 2006, and why did President George W. Bush enthusiastically sign it into law? Blum offers an unsettling perspective on this provision of the Voting Rights Act, charting its degeneration into an unworkable, unfair, and arguably unconstitutional mandate that is bad for the body politic and potentially damaging to race relations in America.

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