

Shelby county v holder term paper example

[Law](#), [Criminal Justice](#)



Shelby County v Holder is a famous case that deals with the constitutionality of certain provisions, given in voting rights act, 1965 which was enacted in order to address deep-rooted racial biasness in voting system of America. American Supreme Court elaborated this issue in changing circumstances and made it more effective while deciding this case. This paper intends to discuss Shelby County v Holder case and further examines several other related aspects of the subject.

The voting rights Act of 1965 was enacted with an intention to expand the periphery of civil rights and make it reach to everyone who needed it.

Section 5 of this act is an important element of this act that requires some prior authorization of federal government before making any alterations in the election laws. Apex Court of America struck down this requirement of voting rights act and waved the way for voting rights of African Americans without any kind of discrimination.

Congress's main aim of enacting Voting rights act of 1965 was to deal with racial discrimination in exercising the voting right. This law succeeded in proving its relevance and protected voting rights of African Americans since seventies. Incidents of discrimination against African Americans were common in some parts of America. Provision of Section 5 of voting rights act suggests some states and other local governments to take prior permission of US attorney general or a panel of three judges of US district court, District of Columbia. Section 4 (b) of the same act describes about the states as well as local governments that are directed to take prior permission before introducing any changes in the existing provisions.

Shelby County, petitioner in this case, sued the attorney general of District of

Columbia. Petitioner's main contention was to seek a declaratory judgment regarding sections 5 and 4 (b). Petitioner wanted these sections to be declared unconstitutional. County further demanded the relief of permanent injunction against the enforcement of these laws. County urged the court to strike down these provisions as it were interfering in the voting rights of African Americans. The district court held that reauthorization of sections 5 as well as section 4 (b) was justifiable and there was enough evidence before the congress for doing so.

After exploring all other evidences, the District of Columbia court found that section 4 of the voting rights act is unconstitutional and it is not relevant further. This section is not effective enough to fulfill the requirements of discouraging racial discrimination. It was held that it cannot be used on the basis of taking prior permissions from federal authorities as mentioned in the voting rights act of 1965 (Levin).

Supreme Court of United States of America held these provisions of voting rights act of 1965 as unconstitutional. American Supreme court examined this issue very critically in order to make a firm and effective solution. As per provisions of the above mentioned act, prior permission system was supposed to be expiring after a period of 5 years of its enactment and there was a provision of reauthorization after every 5 years. Supreme Court of America further stayed the process of reauthorizations.

Supreme Court of America inspected the relevance of these sections and their use in existing time. Issue was thoroughly examined and the uses of these sections were scrutinized in order to assess the role of these sections in improving or worsening the situation of racial discrimination. Supreme

Court, while entertaining the certiorari, concluded that racial discrimination is percolated in American society and it is deeply rooted at all levels of American Society (Browne-Marshall).

One important aspect and effect of this case is that it caused the apex court to analyze this issue in totality and further examined the constitutionality of certain sections of voting rights act. Supreme court also took ample time in deciding and before reaching at any conclusion. several relevant instances were taken into consideration by the Supreme court. This seriousness displayed the significance of this issue and started a new chapter altogether in the history of racial discrimination in the America (Legal Information Institute).

Supreme court sounded very reasonable while saying that we have failed in providing an impartial society where there is no discrimination on the basis of race, sex and religion. Supreme court delved deep into the roots of these problems and also analyzed the relevance and role played by the above mentioned laws. The supreme court bench was divided while deciding this issue and at the end, this issue was decided by the majority.

There was a division of opinion among the judges and the decision was given by vote of 5- 4. Judges from both benches also interpreted this issue differently. Majority of judges were in favor of making section 4 (b) unconstititional while minority of the bench suggested this was not unconstititional and it did not interevne in the voting or democratic rights of African Americans. Voting rights are parts of individual's freedom while federal structure is in the interest of United States of America and same should not be overlooked.

While striking down section 4 (b) of the voter right's act, supreme court reiterated that this section was contradicting the federal state relations and there was a scope of unnecessary interferences by the federal in the state affairs. Supreme court considered it illegal and unwanted in the interest of natural justice. American Supreme court made it clear that rights of African Americans should be kept secure and no efforts should be made in order to snatch their rights from them .

Apex court opined that voter rights act has done a commendable job towards the voting rights of african americans and this trend should be continued. Nothing, that comes in the way of improvements and constitution that talks about equal rights of all irrespective of their race, color, should be tolerated. The Supreme Court opined that there are some old provisions that are not much relevant in changing environment. These laws needs to be replaced or changed in order to make the society one and the same.

Political parties, non government organizations and pressure groups interpreted the decision as per their own interests. Democrats reacted very sharply and bitterly on the decision and called it disappointing. President obama did not hesitate from suggesting the congress to make new law on the issue and the same was directed to the department of justice without any delay. Department of justice corroborated that president is not happy with the decision and they are working to make things clear.

Republicans gave very confusing reactions on the decision of supreme court. Some of them veiwed it as democrates viewed it while other said that it was a relief for several people who were subjected to sufferage for several decades and were deprived of their voting rights. Republicans instead of

putting their views on the decision, criticised democrats for their stand and reactions of supreme court decision.

Several interest groups and organizations found this decision in the interest of justice. A number of non government organizations claimed that they always wanted this to be implemented. They suggested that the decision of supreme court have helped in restoring the order of constitution and in re-establishing democratic values in the society of America. The decision was observed as in the interest of African Americans who had gone through a severe suffrage since several decades (Thernstrom).

It has been observed that African Americans had been subjected to several oppressions in America and their rights had been oppressed by others at several occasions. They were not given their voting rights and their role and say was minimizing day by day. All the laws and provisions in this regard were very old and they were not fulfilling the needs of African Americans in modern times. Section 4 (b) was one of such provisions.

Congress never bothered to make it more effective that could deal with the deteriorating situation of African Americans. Supreme Court considered their interests and requirements in order to find a solution which resulted in striking down of the above said act. The political parties reacted in a hasty manner on the decision instead of doing something for the needy class of people on time.

This new idea was seen as a fresh attempt to improve the situation and reduce discriminations related to ethnicity. African Americans had faced a lot of problems by their white counterparts who dominated the whole system of America. Different sects of society reacted differently on this decision and

once again American Supreme Court stood by the constitutional principles. Majority of politicians reacted against the verdict considering it as unnecessary intervention in the federal state relations (I. Shapiro and M. Gilliam).

Considering its importance, political parties should try their best to involve African Americans in the democratic process instead of making hue and cry when any other institution is doing the same in the interest of the nation. On these sensitive issues, both parties should come together. Politicians should make effort to tackle the issues that are important for the United States of America.

After having observed the succinct view of the abovementioned subject, it can be concluded that supreme court of America intervened in the interest of American democracy. This intervention was seen differently and several people reacted on this issue. Some called it in the interest of democracy and representing public opinion. Republican and Democrats had difference of opinion and they appreciated or criticised the decision as per their vested interests once they interpreted the decision of American supreme court.

Works Cited

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