

# High Court Weighs New Look at Voting Rights Law

WASHINGTON (AP) — Three years ago, the Supreme Court warned there could be constitutional problems with a landmark civil rights law that has opened voting booths to millions of African-Americans. Now, opponents of a key part of the Voting Rights Act are asking the high court to finish off that provision.

The basic question is whether state and local governments that once boasted of their racial discrimination still can be forced in the 21st century to get federal permission before making changes in the way they hold elections.

Some of the governments covered — most of them are in the South — argue they have turned away from racial discrimination over the years. But Congress and lower courts that have looked at recent challenges to the law concluded that a history of discrimination and more recent efforts to harm minority voters justify continuing federal oversight.

The Supreme Court could say as early as Monday whether it will consider ending the Voting Rights Act's advance approval requirement that has been held up as a crown jewel of the civil rights era.

The justices sidestepped this very issue in a case from Texas in 2009. In an opinion joined by eight justices, Chief Justice John Roberts wrote then that the issue of advance approval "is a difficult constitutional question we do not answer today."

Since then, Congress has not addressed potential problems identified by the court. Meanwhile, the law's opponents sensed its vulnerability and filed several new

lawsuits. The advance approval, or preclearance requirement, was adopted in the Voting Rights Act in 1965 to give federal officials a potent tool to defeat persistent efforts to keep blacks from voting.

The provision was a huge success, and Congress periodically has renewed it over the years. The most recent occasion was in 2006, when a Republican-led Congress overwhelmingly approved and President George W. Bush signed a 25-year extension.

The requirement currently applies to the states of Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia. It also covers certain counties in California, Florida, New York, North Carolina and South Dakota, and some local jurisdictions in Michigan and New Hampshire. Coverage has been triggered by past discrimination not only against blacks, but also against American Indians, Asian-Americans, Alaskan Natives and Hispanics.

Before these locations can change their voting rules, they must get approval either from the U.S. Justice Department's civil rights division or from the federal district court in Washington that the new rules won't discriminate.

Congress compiled a 15,000-page record and documented hundreds of instances of apparent voting discrimination in the states covered by the law dating to 1982, the last time it had been extended.

Among the incidents in the congressional record:

—In 1998, Webster County, Ga., tried to reduce the black population in several school board districts after citizens elected a majority-black school board for the first time.

—In 2001, Kilmichael, Miss., canceled an election when a large number of African-American candidates sought local office following 2000 census results that showed blacks had become the majority in the city.

—In 2004, Waller County, Texas, sought to limit early voting near a historically black college and threatened to prosecute students for illegal voting after two black students said they would run for office.

But in 2009, Roberts indicated the court was troubled about the ongoing need for a law in the face of dramatically improved conditions, including increased minority voter registration and turnout rates. Roberts attributed part of the change to the law itself. "Past success alone, however, is not adequate justification to retain the preclearance requirements," he said.

He also raised concern that the formula by which states are covered relies on data that is now 40 years old. By some measures, states covered by the law were outperforming some that were not.

Jurisdictions required to obtain preclearance were chosen based on whether they had a test restricting the opportunity to register or vote and whether they had a voter registration or turnout rate below 50 percent.

In the federal court of appeals in the District of Columbia, Circuit Judge Stephen Williams objected

that the law specifies that these criteria are measured by what happened in elections several decades ago. But writing for a majority that upheld preclearance, Circuit Judge David Tatel said the question is not whether old data is being used, but whether it helps identify jurisdictions with the worst discrimination problems. "If it does, then even though the formula rests on decades-old factors, the statute is rational," Tatel said.

Shelby County, Ala., a well-to-do, mostly white bedroom community near Birmingham, adopted Roberts' arguments in its effort to have the voting rights provision declared unconstitutional, but lost in the lower courts. The county's appeal is among those being weighed by the high court.

Yet just a few years earlier, a city of nearly 12,000 people in Shelby County defied the voting rights law and prompted the intervention of the Bush Justice Department.

Ernest Montgomery became the only black member of the five-person Calera City Council

in 2004, winning in a district that was almost 71 percent black. The city redrew its district lines in 2006 after new subdivisions and retail developments sprang up in the area Montgomery represented, and the change left Montgomery's District 2 with a population that was only 23 percent black.

Running against a white opponent in the now mostly white district, Montgomery narrowly lost a re-election bid in 2008. The Justice Department invalidated the election

result because the city had failed to obtain advance approval of the new districts.

A lifelong resident of Calera and a church deacon, the 56-year-old Montgomery said he doesn't know whether discrimination was involved in the redistricting decision six years ago. But, he said, discrimination still exists and the law is still needed.

"I think things have gotten a lot more leveled out, but we're not to the point we need," he said.



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Sentinel Photo/Dustin Wright

## BEAUTY AND THE BEAST

Seminole High School sophomore Madison Burch (center), playing the role of Belle in the SHS Theatre Department's production of "Beauty and the Beast" performs a song routine during the opening scenes of Monday evening's performance at the old Seminole Junior High School Auditorium. The performance will be held twice more, on Saturday evening at 7 p.m. and Sunday afternoon at 3 p.m. Tickets are \$10 per person and can be purchased at the door.

## EMS to Hold Smoked Turkey Fundraiser to Benefit the Local EMT/EMS Program

The Seminole EMS will be hosting a smoked turkey fundraiser,

this Saturday, with proceeds going toward the local Seminole EMT/

EMS program.

The cost of turkeys is \$30 and the last day to place an order is Saturday, but turkey orders are encouraged to be placed before Saturday. Payment is due at the time of order, according to EMS officials.

The turkeys will be smoked on Saturday and can be picked up between 1 p.m. and 7 p.m. at the Seminole EMS Station, located in the 200 block of N.W. 8th St.

For more information about the fund raiser, contact the Seminole EMS at (432) 758-8816.

## Names of Fatalities in Thursday Wreck Released

By Dustin Wright  
Sentinel Managing Editor

The identities of the two victims of a fatal multi-vehicle accident last Thursday morning were released by investigators of the Texas Dept. of Public Safety.

Karen Herrera, 31, and Ursula Wilcox, 74, both with Hobbs, N.M. listed addresses, were identified by DPS officials as being the two individuals who lost their lives in the incident, which remains under investigation.

The incident, according to DPS Trooper Michael West, occurred at 6:14 a.m. Tuesday morning on U.S. 62/180, at the intersection of CR 209, approximately two miles west of the western city limits of Seminole.

Herrera was identified as being the driver of a Chevrolet pick-up truck at the time of the incident, while Wilcox was identified as being a passenger in a passenger-car involved in the accident.

A cause of the accident is still under investigation.

Initial investigation indicates the 31-year-old female driving the pick-up (which will be identified as Unit 1 by the Sentinel) was traveling west bound on U.S. 62/180 and struck one of the truck-tractors (which will be identified as Unit 2 by the Sentinel).

Shortly following that incident, West indicated it appeared the passenger car (being identified as Unit 3 by the Sentinel), which was traveling eastbound on 62/180, had

struck Unit 2 as it was stopped in the roadway, because of the initial accident. Unit 3, shortly after striking Unit 2, was struck by the second tractor-truck/trailer (Unit 4), which was also traveling eastbound on U.S. 62/180.



Happy Halloween!

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## Gaines County Sporting Events

**November 1**

JV Indian Football vs. Levelland @ Seminole, 6:30 p.m.

Freshmen Indian Football vs. Levelland @ Seminole 5:00 p.m.

Freshmen Maiden Basketball vs. Kermit (scrimmage) @ Kermit, 5:00 p.m.

JV Maiden Basketball vs. Kermit (scrimmage) @ Kermit, 5:00 p.m.

Varsity Maiden Basketball vs. Kermit (scrimmage) @ Kermit, 5:00 p.m.

**November 2**

Varsity Indian Football vs. Levelland @ Levelland 7:30 p.m.

**November 3**

Regional High School Cross Country Meet, Lubbock

Freshmen Maiden Basketball vs. Brownfield (scrimmage) @ Seminole, 10:00 a.m.

JV Maiden Basketball vs. Brownfield (scrimmage) @ Seminole, 10:00 a.m.

Varsity Maiden Basketball vs. Brownfield (scrimmage) @ Seminole, 10:00 a.m.



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