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Alabama no longer needs voting rights supervision, Gov. Bob Riley says

State no longer needs federal approval, he says

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WASHINGTON - The section of the Voting Rights Act that requires Alabama to get federal approval for election-related changes is an unnecessary burden on a state that no longer needs supervision from Washington to ensure fair voting, Gov. Bob Riley contends in a brief filed with the U.S. Supreme Court.

By keeping Alabama on the Justice Department's watch list for discrimination against minority voters, "Congress wrongly equated Alabama's modern government, and its people, with their Jim Crow ancestors," lawyers for the governor wrote.

Congress in 2006 renewed the landmark voting rights law and the section that requires nine states, plus local jurisdictions in several other states, to prove that changes to election procedures, such as moving a polling place, do not disenfranchise black voters.

Alabama rightfully deserved its place on the list in 1965, but no longer, Riley argues in the brief, filed last week. Of the 3,279 times Alabama has asked for Justice Department "pre-clearance" for changes between 1996 and 2005, it received two rejections, the brief states.

Blacks and whites are registered to vote in nearly equal proportions, the number of blacks in the Alabama Legislature reflects the overall population, and the number of blacks holding elected office has increased fivefold since 1975.

"Simply put, when it came to honoring the 15th Amendment, Alabama was no longer its grandfather's state," the state lawyers wrote.

Riley has bristled under Justice Department pre-clearance requirements for years and tried through political channels to relieve the state from its grip. Riley's brief is the most ambitious attempt in recent years in the legal arena.

The Alabama brief is part of a Supreme Court case from Texas that challenges the 2006 renewal of Section 5 of the Voting Rights Act. While he does not take sides in the Texas case, Riley lays out an extensive argument that the law delays necessary and routine election changes, has been misused by political interests, and costs taxpayers extra money in legal costs.

For example, it took state lawyers 15 months to compile information for the Justice Department to consider a 2006 state law that updated election rules, and the paperwork weighed 42 pounds, the brief states. When the federal agency asked for clarifications, state lawyers invested 100 more hours of work. In the end, it was approved 18 months after Riley signed it into law.

Riley also complains that, while several states moved the dates of their 2008 presidential primaries without needing permission from the federal government, it took Alabama four months to do so because of the Voting Rights Act.

In congressional hearings leading to the 2006 vote to renew the law, racial progress across the South was acknowledged, but Congress ultimately decided certain states would backslide without its protections. Alabama's two most recent problems involved a redistricting plan in Tallapoosa County in 1998 and

annexations in Alabaster in 2000.

Birmingham lawyer Ed Still, an advocate of the Voting Rights Act, said Riley's submission to the justices doesn't address whether the extension of the law is constitutional.

"This is just part of a campaign that Riley has had for a while now - he and his attorneys general, trying to cripple the Voting Rights Act any way they could. This is a whine," Still said Tuesday. "I suspect this is the governor's way of providing some war stories to the conservative justices who want to strike down Section 5."

Civil rights lawyer Fred Gray of Tuskegee, who testified before Congress in favor of extending Section 5 coverage, said Tuesday that Riley's attempt to expand the list of felonies that would prevent someone from registering to vote is a sign that black voters still need federal protection in Alabama.

"I don't think the state of Alabama has shown any real good faith," Gray said.

The governor's chief legal adviser, Ken Wallis, said Tuesday that Congress made a political decision, and filing the almost 90-page Supreme Court brief was a way to give a fuller legal account of Alabama's experience.

"We could have written a brief twice that large citing example after example of how its results are unreasonable," Wallis said. "We're not implying this is just an Alabama thing. We're implying this is what all states covered by the act are faced with daily, weekly and monthly in their requirement to comply."

The Supreme Court will hear oral arguments in the Texas case April 29.

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