
Landmark Civil Rights Victory Achieved in Fifth Circuit Decision on Voting Rights Act

AUGUST 6, 2015

On August 5, 2015, WilmerHale and its co-counsel, the NAACP Legal Defense and Education Fund (LDF), secured a landmark civil rights victory when the United States Court of Appeals for the Fifth Circuit affirmed a decision by the US District Court for the Southern District of Texas that Texas's highly restrictive voter photo identification law had a discriminatory effect on African-American and Hispanic voters in violation of Section 2 of the Voting Rights Act. The decision came on the eve of the 50th anniversary of the passage of the Voting Rights Act.

WilmerHale and LDF represented the Texas League of Young Voters Education Fund and Imani Clark in their challenge to the state's voter photo identification law, which requires Texans to present one of six specific forms of ID to vote. Clark, an African-American undergraduate at Prairie View A&M University, had previously voted using her student ID, which Texas made illegal.

In August 2013, WilmerHale and LDF joined their case with the US Department of Justice's (DOJ) suit against the same law. WilmerHale attorneys litigated alongside DOJ lawyers and other private plaintiffs during a two-week bench trial that concluded on September 22, 2014. Following trial, the district court issued a 147-page opinion ruling in favor of plaintiffs on every claim they raised. Texas appealed, and the Fifth Circuit heard oral argument in April 2015.

"This historic decision makes clear that states cannot impose needless and discriminatory burdens on the right to vote. The court's ruling is not only a victory for voters in Texas, but an affirmation of the continuing importance of the Voting Rights Act today," says Counsel [Kelly Dunbar](#).

In its opinion, the Court of Appeals recognized the "sad truth that racism continues to exist in our modern American society despite years of laws designed to eradicate it." Affirming the district court's ruling that Texas's law has a discriminatory effect on minority voting rights, the Fifth Circuit held that the evidence presented at trial amply supported the district court's key findings—that a "stark, racial disparity" existed between those who do and do not meet the law's stringent ID requirements, and that the law "worked in concert with Texas's legacy of state-sponsored discrimination to bring about this disproportionate result."

"Based on the record we and other plaintiffs developed," says Partner [Jonathan Paikin](#), "we

established that the law disenfranchises hundreds of thousands of registered voters who lack the required ID. On the other hand, when put to the test of trial, the assertions that the law's stringent ID requirements prevented voter fraud were shown to be phony. The bottom line is that there are far less discriminatory ways to ensure the integrity of elections. Imposing needless costs and burdens that suppress voter turnout by African-American and Hispanic voters may benefit the public officials that passed this law, but it is exactly the perversion of our democracy that the Voting Rights Act was passed to prevent."