
WilmerHale Serves as Legal Counsel in Landmark Case Upholding Constitutionality of the Voting Rights Act

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On May 30, in Northwest Austin Municipal Utility District Number One v. Mukasey, the United States District Court for the District of Columbia issued a landmark ruling upholding the reauthorization of a key provision of the Voting Rights Act of 1965. In a unanimous decision written by Judge David Tatel, the panel rejected a challenge to the constitutionality of the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which extended for 25 years the preclearance requirement contained in Section 5 of the Voting Rights Act.

The 2006 reauthorization was passed with overwhelming support in Congress and was signed by President Bush in July 2006. The Utility District's lawsuit was filed shortly thereafter. Although the Court also found that the Utility District was not entitled to "bail out" from coverage under Section 5 of the Voting Rights Act, the main significance of the case rests upon the Court's unqualified rejection of the Utility District's argument that Section 5 had outlived its usefulness because the problem of racial discrimination in voting was no longer a sufficient problem to justify its requirements.

Conducting its own review of the extensive legislative record, and crediting the findings of the House Judiciary Committee, the Court concluded that “findings of continued efforts to discriminate against minority citizens in voting demonstrate that despite substantial improvements, there is a demonstrated and continuing need to reauthorize [Section 5].”

WilmerHale’s [Paul Wolfson](#), [Seth Waxman](#) and Ariel Waldman led the firm’s pro bono efforts as co-counsel to the Lawyers Committee for Civil Rights Under Law in this lawsuit, in which we represented the Texas State Conference of the NAACP and the Austin, Texas Chapter of the NAACP. The case was litigated with other civil rights organizations including ACLU, LDF, MALDEF, PFAW and Texas RioGrande Legal Aid, as well as the Department of Justice.