



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

THE COURTS' ROLE IN PROTECTING VOTING RIGHTS

November 3, Election Day, is right around the corner. Of course, voting is fundamental to elections. It is through voting we both give our consent to those we entrust to govern us and hold those governing us accountable. From our right to vote come many of our rights and freedoms.

Every day seems to bring new stories about disputes over voting, many of which are pursued through lawsuits. These lawsuits in federal and state courts concern early voting, polling places, mail-in ballots, mail-in voting requirements, deadlines for receiving mail-in ballots, drop-box ballot locations, and more.

These cases remind us of the intense interest the public has in voting. They also illustrate the importance of the courts in protecting the fundamental right to vote. Protecting individual rights, like the right to vote, is a primary responsibility of the federal courts. Three cases that arose from Tennessee voting disputes have had a profound effect on our understanding of voting rights, and each case demonstrates the vital role of the federal courts in protecting voting rights.

***Brown v. Board of Commissioners of the City of Chattanooga*, 722 F. Supp. 380 (E.D. Tenn. 1989).** In 1987, twelve Black citizens of Chattanooga brought a lawsuit in federal court challenging the system of city government that had been in place since 1911. The system consisted of a Commission of one mayor and four Commissioners, each of whom was elected by the citizens at large. Historical evidence showed those adopting the Commission system did so primarily to eliminate the electoral power of Black Chattanoogans. The Plaintiffs argued the system diluted their voting strength, making it difficult to elect candidates of their choice when their choice differed from that of the majority White voters.

After hearing testimony and evidence about elections in Chattanooga, U.S. District Judge R. Allan Edgar agreed with the Plaintiffs. The court held the Commission system violated the Voting Rights Act of 1965 because it was originally conceived with a discriminatory purpose and continued to fulfill that purpose, and because it denied the voting rights of Black voters. The court ordered the City to submit a new governmental plan. The result was Chattanooga's current form of government, with a mayor elected at large and city councilmembers elected from nine geographic districts within the city.

***Baker v. Carr*, 369 U.S. 186 (1962).** One of the precedents the court noted in *Brown* came from an earlier Tennessee-based case, *Baker v. Carr*. The Tennessee Constitution requires the state legislature to reapportion the number of legislators from each district every ten years to account for population changes. As late as 1962, however, the state still used the 1901 apportionment, so votes in counties that had grown the most since 1901 effectively counted less. For example, it arguably took nineteen votes in Hamilton County to weigh as much as one vote in Moore County.

Voters from underrepresented counties sued the Tennessee Secretary of State in federal court, alleging the failure to reapportion devalued their votes and deprived them of the equal protection guaranteed by the Fourteenth Amendment. The State argued the case involved a political question which the federal courts had no power to decide. The Supreme Court disagreed with Tennessee, holding federal courts have the authority to decide challenges to state apportionment decisions under the Fourteenth Amendment. As a result, constitutional violations arising from malapportionment of state legislatures can be remedied by federal courts. From this decision we get the important principle of “one person, one vote.”

***McDaniel v. Paty*, 435 U.S. 618 (1978).** Paul McDaniel, an ordained Baptist minister in Chattanooga, sought to serve as a constitutional convention delegate. A provision of the Tennessee constitution, however, barred ministers and other religious leaders from serving as legislators or convention delegates. Such provisions were common early in our country’s history to ensure separation of church and state. Selma Cash Paty, a Chattanooga attorney and another candidate for the delegate position, sued in state court to enforce the provision against McDaniel’s candidacy.

The United States Supreme Court held the prohibition violated the Free Exercise Clause of the First Amendment, which guarantees individuals an absolute right to hold any or no religious belief. The Court held that within that absolute right is “the right to preach, proselyte, and perform other similar religious functions.” The Tennessee provision violated the First Amendment, as it prevented citizens from holding certain religious beliefs if they wanted to seek public office. The Supreme Court thus refused to permit Tennessee to make its citizens sacrifice their right to free exercise of religion if they want to exercise their right to seek public office. The case thereby enlarged the choices citizens have in electing their representatives.

A right is only as powerful as the ability to enforce it. As a result, the federal courts’ ability and responsibility to hear voting rights cases give life to our fundamental right to vote.

Curtis L. Collier
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