

# U.S. Domestic Politics at the Turn of the 21st Century

How have recent presidents tried to fulfill their domestic policy goals?

## Introduction



Barack Obama (left), Bill Clinton (center), George W. Bush (right), and Donald Trump (not pictured) each strived to meet their own unique domestic policy goals during their terms as president of the United States.

George H. W. Bush did not serve a second term as president, losing the 1992 election to Bill Clinton. Clinton won, in part, by focusing on economic issues. The recession that had begun in 1990 ended less than a year later, but the sluggish economy still worried Americans. Clinton believed that promoting economic growth should be his main theme. A sign posted in his campaign headquarters said, “It’s the economy, stupid.”

The economy has always been a major political issue. Modern presidents know that to be successful, they must steadily guide the economy. But doing so has proved to be a difficult task.

The economy boomed under Clinton. The stock market climbed to record heights,

thanks largely to the computer revolution. Internet-based businesses, often called dot-coms, multiplied rapidly. Economists refer to the too-rapid expansion of a sector of the economy as a “bubble.” A year before George W. Bush, son of George H. W. Bush, took office in 2001, the dot-com bubble burst. Stock prices plunged, and the economy went into a recession.

The economy roared back early in Bush’s second term, only to take a nosedive again late in 2007. Home prices had soared, thanks in part to questionable lending practices. When the housing bubble burst, home prices fell, and the economy fell with them. In 2009, when Barack Obama took office as president, the nation’s economy faced serious problems.

The economy is a key domestic issue. But it has never been the only one. All three of these presidents came into office with several goals. In a country deeply divided in its party loyalties, none of them would accomplish all they had hoped. In this lesson, you will examine how Bill Clinton, George W. Bush, Barack Obama, and Donald Trump have tried to meet their domestic policy goals after entering the Oval Office.



On January 20, 2017, President Donald Trump, accompanied by First Lady Melania Trump, was sworn in to office.

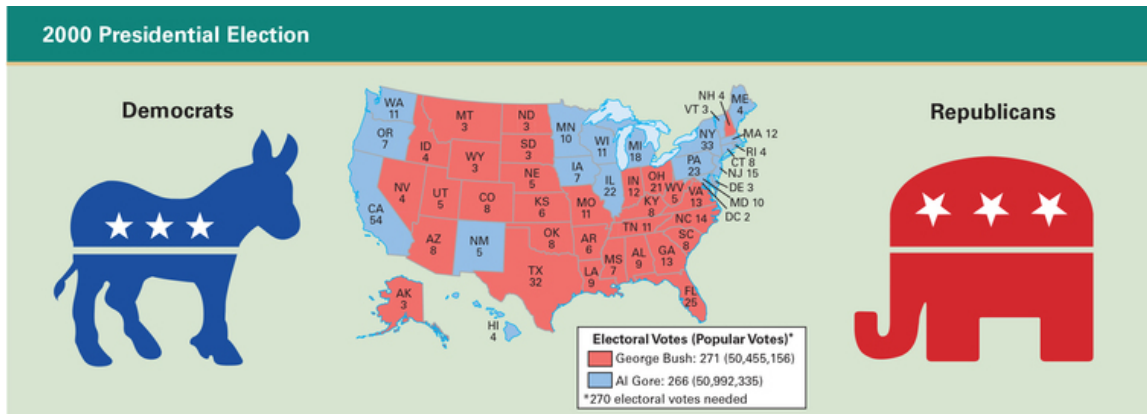
## 1. Parties and Politics at the Turn of the Century

At the turn of the 21st century, American politics was taking a new shape. Many observers believed that the nation had splintered politically into two main camps. On election night in 2000, the major television networks gave this split a color code, using the same two colors to shade their election maps. Red represented states in which a majority voted for Republican George W. Bush. Blue signified states that favored Democrat Al Gore. By evening's end, there seemed to be two Americas—red and blue. However, a closer look at recent elections reveals a more complex picture.

**Red America vs. Blue America** Voters in red states in the 2000 election

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generally supported a conservative agenda. They believed in reducing the size of government, lowering taxes, maintaining a strong military, and promoting traditional social values. This agenda appealed to many evangelical Christians and people living in small towns. It also attracted many blue-collar workers, veterans, and businesspeople. These groups made up the Republican Party's **political base**, or core of supporters.



The terms red state and blue state originated with the 2000 presidential election map. Red states are states in which the majority votes Republican. In blue states, the majority votes Democratic. Although the red states cover more territory, the blue states are usually more densely populated. The result was a very close election in 2000.

The voters in blue states in the 2000 election included those who had long been loyal to the party—liberals, African Americans, immigrants, and union members. They were united by their belief in government's power to improve life for ordinary people.

Not everyone was willing to accept the red vs. blue split. Both parties had a large group of moderates who favored welfare reform, a balanced budget, and a tough stand on crime. In a speech delivered at the 2004 Democratic National Convention, a state senator from Illinois named Barack Obama said,

[T]here's not a liberal America and a conservative America—there's the United States of America. There's not a black America and white America and Latino America and Asian America—there's the United States of America. The pundits [self-appointed experts] like to slice-and-dice our country into Red States and Blue States; Red States for Republicans, Blue States for Democrats. But I've got news for them, too. . . . We are one people, all of us pledging

allegiance to the stars and stripes, all of us defending the United States of America.

—Barack Obama, speech at the Democratic National Convention, 2004



A young supporter of the Green Party holds a sign for candidate Ralph Nader in the 2000 presidential election. The Green Party platform focused on the need for universal health care, environmental and consumer protections, and campaign finance reform. The Green Party failed to attract a significant number of people away from the traditional two-party system and won only 2.7 percent of the vote in the 2000 election.

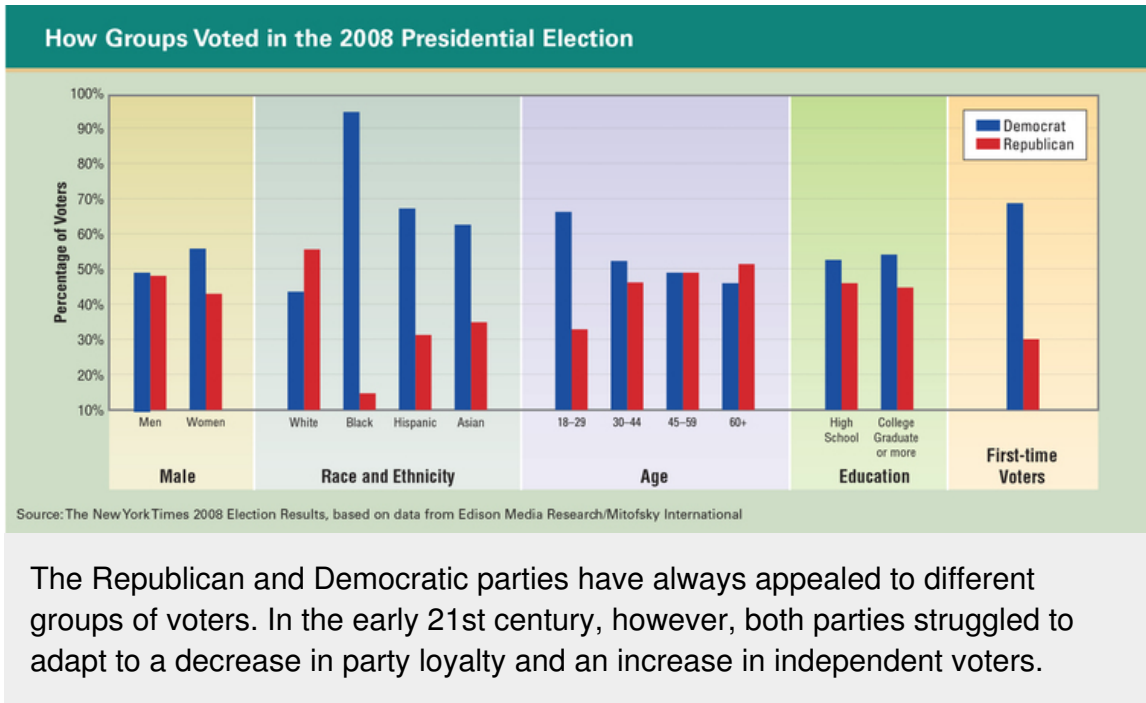
Obama's stirring speech brought him national recognition. It was the first step on the road that would lead him to the presidency five years later.

**Neither Red Nor Blue: Independents and Third-Party Voters** About 42 percent of registered voters define themselves as independents. As a result, neither Democrats nor Republicans can claim that their party represents a majority of the **electorate**, or the officially qualified voters. To win elections, both parties must also appeal to independent voters.

This new political arithmetic drove Bill Clinton's decision in 1992 to campaign as a moderate, or what Democratic party leaders called a **New Democrat**. It also helped motivate Republican George W. Bush in 2000 to promote more caring social policies, which he called "compassionate conservatism." Even so, in both of those elections, millions of voters rejected the major party nominees. Instead, they cast their ballots for third-party presidential candidates.

The most successful third-party candidate in recent elections was Texas billionaire Ross Perot. In 1992, Perot ran for president as an independent candidate. On election day, Perot received 19 percent of the votes cast. This was the best showing for a third-party candidate since Theodore Roosevelt ran for president as a Progressive in 1912.

In 2000, consumer advocate Ralph Nader ran for president on the Green Party ticket. The roughly 2.9 million votes cast for Nader amounted to only 2.7 percent of the national vote. But that election was so close that many Democrats accused Nader of acting as a "spoiler" whose campaign cost their candidate, Al Gore, the White House.





In 1992, Ross Perot became the first third-party candidate to participate in televised presidential debates. “Look at all three of us,” Perot advised viewers. “Decide who you think will do the job, pick that person in November, because believe me, as I’ve said before, the party’s over, and it’s time for the cleanup crew.”

## 2. Bill Clinton: A New Democrat in the White House

As Democrats approached the 1992 presidential election, they had to confront some unpleasant realities. The New Deal coalition was broken. The Reagan Revolution had moved the nation to the right. And George H. W. Bush, running for a second term, began the campaign with high approval ratings. To overcome



these obstacles, the party needed an appealing candidate with a fresh message. It found both traits in the young, five-term governor of Arkansas: Bill Clinton.

**The Election of 1992 Leaves Clinton Without a Mandate** Clinton reached out to voters as a New Democrat who cared deeply about the struggles and concerns of ordinary Americans. When he accepted the Democratic nomination, he spoke of creating a new style of government, which he described as

a government that is leaner, not meaner; a government that expands opportunity, not bureaucracy; a government that understands that jobs must come from growth in a vibrant and vital system of free enterprise. . . . We offer opportunity. We demand responsibility. We will build an American community again. The choice we offer is not conservative or liberal. In many ways, it is not even Republican or Democratic. It is different. It is new. And it will work.

—Bill Clinton, speech accepting the nomination for president at the Democratic National Convention, 1992

Opportunity, responsibility, and community became the central themes of Clinton's campaign.

Two factors helped Clinton overcome Bush's early lead. The first was the recession that began in 1990. As the months passed and the economy continued to limp along, Bush's popularity sank. Clinton gained ground by focusing on how to get the economy moving again. The second factor was the third-party candidacy of Ross Perot. The Texas billionaire promised to restore prosperity by balancing the federal budget and reducing the national debt. His frank talk about the economy attracted voters who felt dissatisfied by the two main parties. Many of Perot's supporters opposed the two established candidates and mounted a successful grassroots effort to put him on the ballot in all 50 states.

On election day, Clinton won 32 of 50 states. But owing to Perot's strong showing at the polls, Clinton received only 43 percent of the popular vote—the lowest percentage for a winning presidential candidate since 1912.

**Legislative Wins and Losses** Clinton took office with a Democratic majority in both houses of Congress. With this support, he won several legislative victories, including passage of the Family and Medical Leave Act. This law allowed workers to take time off for the birth or adoption of a child or family emergencies without

risking their jobs.

However, Clinton failed to reform the nation's health insurance system. Since the end of World War II, most working Americans received health insurance through their employers. The creation of Medicare and Medicaid in the 1960s provided health insurance to retirees and the poor. Even so, when Clinton took office in 1993, millions of Americans had no health insurance.



President Clinton appointed his wife, First Lady Hillary Rodham Clinton, to lead a committee charged with developing a plan for universal health care, but the resulting proposal was widely criticized and died in Congress. Several years later, Hillary Clinton would first represent New York as a U.S. senator, move to serve as President Obama's first secretary of state, and then become the Democratic presidential candidate in the 2016 election.

In 1993, Clinton sent to Congress a plan for sweeping reform of the nation's health care system. The plan sought to provide **universal health care**, or health care for all Americans. But the plan proved overly complex, and it faced fierce criticism by Republicans. Many health care providers opposed it, fearing increased government regulation. After much debate, Congress failed to act on

the plan. When Clinton left office in 2000, about 40 million Americans still lacked health insurance.

**Republicans Take Control of Congress** Every two years, congressional elections take place. Since they occur in the middle of a president's term, they are known as **midterm elections**. As the 1994 midterm elections approached, Republicans aimed to gain control of Congress. Led by Georgia Representative Newt Gingrich, Republican candidates appealed to voters with a 10-point plan called the **Contract with America**. The contract promised that, if elected, Republicans would strive to balance the federal budget, combat crime, reform the welfare system, cut taxes, create jobs, and minimize lawsuits. The contract captured many voters' imaginations. In 1995, Republicans had gained a majority in both the House and the Senate for the first time since the mid 1950s.

House Republicans set out to balance the federal budget. They called for major cutbacks in government spending on education, welfare, and Medicare. Clinton rejected their plan, claiming the reductions were too steep. Both sides refused to alter their stances. Without a budget to authorize expenditures, the government prepared to close down in mid-November 1995. On the eve of the shutdown, Clinton met with Republican leaders. "I am not going to sign your budget," he told them. "It is wrong. It is wrong for the country."

The next day, a large part of the federal government came to a standstill. Most Americans blamed Congress for the shutdown. The government did not fully reopen until early 1996, after Congress approved a budget that Clinton would accept.

**Reforming the Welfare System** Republicans in Congress next turned to welfare reform. The U.S. welfare system included a federal program known as Aid to Families with Dependent Children (AFDC). Initiated during the Depression as part of the Social Security system, this program gave money to unemployed single mothers. By 1996, nearly 5 million women and 9 million children were receiving public assistance under AFDC.

Critics of the welfare system charged that instead of serving as a temporary safety net to help families through hard times, AFDC had created a culture of poverty that continued from one generation to the next. They pointed out that if welfare recipients married or found work, they would lose their welfare benefits. Such eligibility rules, they claimed, discouraged mothers from making changes that might help them gain economic stability. The program's opponents also observed

that children raised in homes with no working parent were more likely to need welfare as adults.

During his 1992 campaign, Clinton had pledged to “end welfare as we know it.” Some Democrats took this to mean reforming AFDC. Instead, the Republican-controlled Congress abolished AFDC and created a new system, called **Temporary Assistance to Needy Families** (TANF). TANF limited the amount of time a family could receive welfare payments to five years. Its goal was to get mothers off welfare and into the workforce as quickly as possible.

Despite protests from Democrats that the new law would increase poverty and hunger, Clinton signed the welfare reform bill. It soon made a significant impact. Employment of single mothers increased dramatically. As it did, the child poverty rate decreased from 20.2 percent in 1995 to 15.8 percent in 2001.

**A Balanced Budget and an Economic Boom** Clinton’s support for welfare reform, coupled with an improving economy, boosted his popularity as president. In 1996, he easily won reelection. The victory made Clinton the first Democratic president since Franklin Roosevelt to secure a second term.

Clinton began his second term determined to avoid another budget impasse. Over the next year, Republicans and Democrats worked together to craft a tax-cut bill and the Balanced Budget Act of 1997. “This legislation represents an historic compromise,” said Clinton, “a monument to the progress that people of goodwill can make when they put aside partisan [political party] interests to work together for the common good and our common future.”

In 1998, the federal budget ran its first surplus in nearly 30 years. A **budget surplus** occurs when the government takes in more money than it spends. Clinton’s efforts to slow federal spending contributed to the surplus. A surge in tax revenues, however, had an even greater impact.

By 1998, the country was enjoying a period of prosperity. It was largely driven by new business opportunities related to the Internet. By linking computers all over the world, the Internet gave businesses instant access to distant markets. It made today’s global economy possible. The Internet also gave rise to a host of online businesses. Their Web addresses ended in .com—short for *commercial*. As the dot-com boom continued, unemployment dropped to around 4 percent, the lowest it had been in 30 years. Inflation also remained low, while stock prices soared.



In 1998, President Clinton lied under oath about his relationship with a White House intern. The House of Representatives impeached Clinton for perjury and obstruction of justice. The Senate, however, chose not to remove him from office.

As the amount of money people earned, spent, and invested increased, tax revenues poured into the federal treasury, helping put the federal budget in surplus. The budget surplus continued through the year 2001. “If we maintain our fiscal discipline,” Clinton declared, “America will entirely pay off the national debt by 2015.” Republicans argued that the government should return some of the surplus to taxpayers in the form of tax cuts.

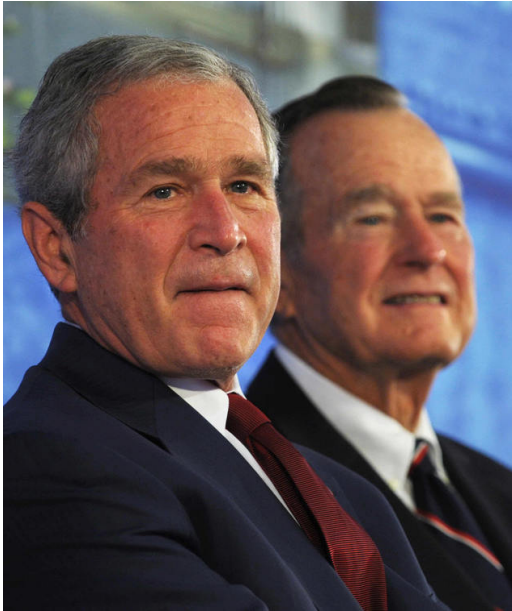
**Surviving Scandal and Impeachment** Rumors of scandals dogged Clinton from the start of his presidency. The primary charge was that he had illegally profited from an investment in an Arkansas real estate development called Whitewater. Accusations also surfaced of his having had numerous affairs while he was governor of Arkansas. In May 1994, a former Arkansas state employee filed a lawsuit accusing Clinton of sexual harassment.

An independent panel appointed lawyer Kenneth Starr to investigate the Whitewater claims. In January 1998, Starr also obtained evidence that Clinton had engaged in an affair with a White House intern, Monica Lewinsky, which contradicted Clinton’s sworn testimony in the Arkansas sexual harassment case. In September, Starr submitted to Congress a report that accused the president of committing perjury, or lying under oath. The report also recommended that Clinton be impeached.

On December 19, 1998, the House voted along party lines to impeach President Clinton on two counts: (1) he had committed perjury, and (2) he had obstructed justice by lying under oath. In January 1999, the Senate tried Clinton on both counts. At the close of the trial, senators voted largely along party lines. As a result, the votes on both charges fell far short of the two-thirds needed to remove Clinton from office. After the trial Clinton asserted, “I want to say again to the American people how profoundly sorry I am for what I said and did to trigger these events and the great burden they have imposed on the Congress and on the American people.”

Clinton not only survived the scandal but also ended his presidency around a remarkably high 65 percent approval rating. This was the best “end-of-career” showing of any president since the end of World War II.

Bill Clinton's Domestic Agenda		
Issue	Goals	Progress and Setbacks
<b>Crime</b>	Increase public safety and reduce gun violence	<p><b>Violent Crime Control and Law Enforcement Act of 1994</b> Banned sales of some assault weapons, increased penalties for many crimes against women, and funded the hiring of 100,000 new police officers</p> <p><b>Brady Handgun Violence Prevention Act of 1993</b> Required a waiting period and background check before purchase of a handgun</p> <p><b>Hate Crimes Prevention Act of 1999</b> Expanded hate crimes to include those based on gender, sexual orientation, or disability (supported by Clinton but failed to pass Congress)</p>
<b>Trade</b>	Expand trade across U.S. borders	<p><b>North American Free Trade Agreement (NAFTA; 1992)</b> Reduced trade barriers, such as tariffs, among the United States, Canada, and Mexico</p>
<b>Civil Rights</b>	<p>Continue Affirmative Action</p> <p>Promote equal rights for homosexuals</p>	<p><b>“Mend it, don’t end it”</b> Fought off attempt to end affirmative action while improving how it works</p> <p><b>Appointments of gays</b> Appointed more than 150 openly gay men and women to key executive and judicial positions</p> <p><b>“Don’t Ask, Don’t Tell” Policy</b> Allowed homosexuals to serve in the military as long as they kept their sexual preference a secret</p>
<b>Education</b>	Improve education and job opportunities for young people	<p><b>Corporation for National and Community Service (1993)</b> Launched AmeriCorps, which put young people to work on community projects in exchange for financial aid to help pay for college</p> <p><b>School-to-Work Opportunities Act (1994)</b> Funded state programs designed to help high school students develop job skills</p>
<b>Liberal Values</b>	Create a more liberal Supreme Court	<p><b>Supreme Court</b> Appointed Stephen Breyer and Ruth Bader Ginsburg, both liberals, to the Supreme Court</p>



George W. Bush was the 43rd president, and his father, George H. W. Bush, was the 41st. They are the second father-and-son pair to win the White House. The first was John Adams and John Quincy Adams.

### 3. George W. Bush: Conservatism in Action

To win the presidential election of 2000, Republicans needed a candidate who could unite Republicans while appealing to swing independent voters. That task fell to the governor of Texas, George W. Bush, son of former president George H. W. Bush. He would face Vice President Al Gore, a strong and seasoned campaigner. Gore could point to a soaring economy and years of peace as Democratic achievements. Some thought Bush's chances of beating him seemed slim at first. But as the months passed, Bush's theme of "compassionate conservatism" attracted voters. His promise of a more caring Republican Party became a central issue of his campaign.

**The Supreme Court Decides the 2000 Presidential Election** On election night



in 2000, Americans were stunned to see how close the presidential vote was. Gore led Bush in the popular vote by one half of 1 percent. The all-important Electoral College vote came out similarly close. With 270 votes needed to win, Gore had 266 and Bush 246. Florida's 25 electoral votes would decide the election. But the Florida vote proved too close to call. An initial count had Bush ahead by 1,784 votes. The next week, a recount by machine reduced his lead to just 327 votes.

In some counties, officials raised questions about confusing ballots or ballots that may not have been properly counted by voting machines. It was eventually demanded that those counties recount their votes by hand. To stop the recount, Bush filed a lawsuit known as *Bush v. Gore*. When the Florida Supreme Court ruled against Bush, he appealed its decision to the Supreme Court. On December 12, 2000, the Court voted 5–4 to stop the recount. The majority reasoned that without clear legal standards for evaluating the ballots in question, a hand recount violated the equal protection clause of the Fourteenth Amendment. This decision gave Florida's 25 electoral votes to Bush. On January 20, 2001, George W. Bush took the oath of office as the 43rd U.S. president.

The Supreme Court decision cast a cloud of doubt over Bush's **legitimacy**, or right to exercise power, as president. These doubts were largely dispelled when he won reelection in 2004. That year he became the first winning candidate since his father in 1988 to win more than 50 percent of the popular vote.

**Legislative Wins and Losses** For six of Bush's eight years in office, the Republicans had a majority in Congress. With this support, he was able to enact much, but not all, of his domestic agenda. This included passage of an education reform bill known as the **No Child Left Behind Act** (NCLB). Bush outlined the need for such reform in his speech accepting the Republican nomination in 2000:

Too many American children are segregated into schools without standards, shuffled from grade-to-grade because of their age, regardless of their knowledge. This is discrimination, pure and simple—the soft bigotry of low expectations. . . . When a school district receives federal funds to teach poor children, we expect them to learn.

—George W. Bush, speech accepting the nomination for president at the Republican National Convention, 2000



Many Florida voters in 2000 did not punch a tiny rectangle, called a “chad,” completely off their ballots. As a result, voting machines may not have counted their ballots. During a March 2001 election, the Palm Beach County supervisor of elections posted this information in polling places throughout the county to help voters avoid hanging chads. Subsequently, most local governments adopted different technology.

NCLB ushered in a new era in which **accountability** would become a key issue in public education. Accountability is based on the principle that individuals or organizations are responsible for their actions and should be able to show how well they are doing at achieving their goals. The next president would also create a federal education program called Race to the Top. While the two programs approached education reform in different ways, both contained provisions stating that it was necessary to make educators and school districts accountable. In practice, this meant testing students on a regular basis to determine their knowledge.

Bush's efforts to reform the Social Security system were less successful. Many political leaders agreed that the system was heading for trouble. With baby boomers moving into retirement, there would soon be too few workers to support the growing number of retirees at the current levels of benefits.

Bush proposed reforming the system by allowing workers to invest part of their Social Security tax payments in retirement accounts. He argued that personal accounts would provide workers with better pensions than the current system. It would also leave them with funds to pass on to their children. Critics complained that Bush's proposal could leave some workers worse off. Also, it would be an expensive approach. His plan never generated widespread support. By the end of 2005, Bush had dropped Social Security reform from his domestic agenda.

**Reviving the Economy with Tax Cuts** Bush had made cutting taxes a key element of his 2000 campaign. His pledge took on new urgency because the dot-com bubble began to burst in 2000. To spur an economic recovery, Bush pushed through Congress a plan that cut income tax rates for most Americans. But the economy received a second shock in 2001. Terrorists attacked the World Trade Center in New York City and the Pentagon on September 11, or what became known as **9/11**. Unsure of what would happen next, Americans sharply reduced their spending. By the end of 2003, the U.S. economy had suffered a loss of more than 2 million jobs.



George W. Bush's No Child Left Behind Act increased federal funds to public schools. In exchange for these funds, schools were expected to show that their students were learning basic reading and math skills.

Bush responded by pushing Congress to reduce tax rates on earnings from savings and investments. Lower tax rates would hopefully encourage people to work harder, save more, and invest in new enterprises. His opponents charged that his tax cuts would mainly enrich the wealthy. They predicted that cutting tax rates would reduce tax revenues and create a string of budget deficits.

The federal budget did fall from a surplus of \$128 billion in 2001 to a deficit of \$158 billion in 2002. But the shift from surplus to deficit was not entirely due to the recession and tax cuts. The events of 9/11—which you will read more about in the next lesson—also played a part. In response to the attacks, Bush persuaded Congress to create a new cabinet-level agency, the Department of Homeland Security (DHS), to protect the country from terrorists. He also launched a war on terrorism in Afghanistan and, later, in Iraq. As spending to fight terrorism soared, so did budget deficits, surpassing \$400 billion by 2004.

Some sources suggest Bush's the tax cuts helped stimulate an economic recovery, while others disagree. Regardless, as the economy rebounded, tax

revenues rose rapidly. To the surprise of Bush's critics, tax revenues in 2005 were higher than in any year since the peak of the dot-com boom in 2000. In addition, the share of income taxes paid by the wealthiest taxpayers was on the rise.



Large, new housing developments, which generated great wealth during the housing bubble, were especially affected by the downturn in the real estate market. In some areas, such as this development outside Las Vegas, Nevada, multiple homes on each street were repossessed by banks. Some homes were simply abandoned by owners who could no longer afford to pay for them.

**Start of the Great Recession** The economic expansion did not last long, due to a sharp decline in the housing market. For many years, house prices had been

increasing rapidly. From 1985 to 2006, the average sale price of a house rose from \$100,000 to \$300,000, and it was still climbing. A housing bubble had formed. A financial bubble occurs when investors bid up prices to unrealistic levels, often purchasing with borrowed money. In 2006, the bubble burst.

Owning a home has long been part of the American dream. But for many people, that dream turned into a nightmare. The government was partly to blame, and so were builders and bankers. Federal policies encouraged people to buy homes. Construction firms built too many houses. Banks approved too many subprime mortgages. A mortgage is a loan used to finance the purchase of a house. A subprime mortgage is a loan made to someone who may not be able to repay the loan.

Home values first jumped forward and then crashed. Many homeowners now owed more money to their mortgage lender than their house was worth. Foreclosures followed. A foreclosure is the legal process by which a bank can take over a mortgaged property when the borrower cannot pay back the loan.

The housing slump led to a severe economic downturn beginning in December 2007. Shocked by their homes' falling values, homeowners slowed their spending. With sales decreasing, businesses laid off workers. Rising unemployment cut consumption further. The downturn—the nation's worst since the Great Depression—would become known as the Great Recession.

Meanwhile, many big banks and other financial institutions had poured money into what are called mortgage-backed securities. These often included bundles of subprime mortgages. Banks believed that these risky investments would bring great profits in the booming housing market. When the boom went bust, so did their investments. Suddenly, a number of the nation's largest and richest firms were facing bankruptcy. By 2008, the entire financial system was on the brink of collapse.

**Bailouts** The federal government was forced to respond. President Bush and Congress crafted legislation to bail out the banks and other huge investment firms. Financial institutions like banks do business constantly with each other—cashing checks, handling transfers—and are always in debt to each other. Those firms were declared “too big to fail.” If any one of these institutions went bankrupt, it could start a domino effect that would topple even those firms that were financially sound. The rescue package was called the Troubled Asset Relief Program, or TARP. Congress allocated \$700 billion to the program.

The Treasury Department used TARP funds to make loans to banks and also to buy from banks their “toxic assets.” These included mortgage-backed securities and other investments that had lost money and that nobody else was willing to buy. Using TARP funds, the Treasury Department also bought shares in the nation’s nine largest banks. The government—and therefore the people of the United States—thus became part owners of those banks.

The federal government also bailed out the American auto industry. Bush approved the use of TARP funds to loan some \$17 billion to auto makers General Motors and Chrysler. Additional funds went to auto parts suppliers and other sectors of the industry.



Hurricane Katrina devastated New Orleans, especially the Ninth Ward section, shown here. The Bush administration took a lot of blame for the slow response to the catastrophe. A House bipartisan committee investigating preparation for and response to the disaster identified failures at all levels of government. It also stated bluntly, “Critical elements of the National Response Plan were executed late, ineffectively, or not at all.”

**Falling Approval Ratings** After 9/11, the nation rallied behind President Bush. His approval rating soared to 90 percent. However, during his second term, Americans’ opinions of the president began to plummet. The economic crisis was just one of the factors that contributed to Bush’s falling popularity.

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Another was the federal government's reaction to Hurricane Katrina in 2005. The hurricane devastated New Orleans and other Gulf Coast towns, resulting in the displacement of hundreds of thousands of people from their homes. Yet the response by the Federal Emergency Management Agency (FEMA) seemed slow and disorganized.

A third factor was the war on terrorism. Some Americans believed that the expansive powers given to the Department of Homeland Security undermined their civil liberties. Probably most importantly, hundreds of Americans were dying each year in wars in Iraq and Afghanistan. Those wars were also sapping the Treasury, adding to mounting budget deficits.

During the 2006 midterm elections, many voters used their ballots to express dissatisfaction with Bush's policies. For the first time since 1994, Democrats won control of the House and the Senate. As you will learn in the next section, voters would also elect a Democratic president in 2008.

George W. Bush's Domestic Agenda		
Issue	Goals	Progress and Setbacks
<b>Social Welfare</b>	Encourage community and faith-based groups to help the needy	<b>Office of Faith-Based and Community Initiatives (2001)</b> Assisted religious and community groups seeking federal funds to combat social problems such as homelessness and drug addiction
<b>Immigration</b>	Secure borders, create a guest worker program, and provide a path for undocumented immigrants to earn citizenship	<b>Comprehensive Immigration Reform Act</b> Proposed reforms in line with Bush's goals (approved by the House but rejected by the Senate) <b>Secure Fence Act of 2006</b> Authorized construction of hundreds of miles of fencing to reduce illegal immigration from Mexico
<b>Health</b>	Help elderly pay for drugs and protect the sanctity of life	<b>Medicare Prescription Drug Benefit (2003)</b> Helped retirees and people with disabilities pay for needed prescription drugs <b>Embryonic stem cell research ban</b> Limited federal funding of stem cell research to halt the use of human embryos in medical research
<b>Conservative Values</b>	Strengthen and support marriage and families  Create a more conservative Supreme Court	<b>"Marriage penalty"</b> Ended income tax provisions, resulting in some married people paying more taxes than if they had remained single <b>Federal marriage amendment</b> Defined marriage as "the union of a man and a woman" (not approved by Congress) <b>Supreme Court</b> Appointed John Roberts and Samuel Alito, both conservatives, to the Supreme Court





Many Americans, especially young people and minorities, were inspired by Barack Obama's run for president and his theme of bringing change to the established political system. Obama attracted enthusiastic crowds throughout his campaign. His personal charisma and stirring speeches helped him win the presidency.

## 4. Barack Obama: Working for Change

The election of 2008 pitted a young Democratic senator from Illinois, Barack Obama, against a much more experienced senator from Arizona, John McCain. Obama called for change. He criticized President Bush's tax-cut policies and his pursuit of the war in Iraq. Obama's campaign slogan "Yes, we can!" inspired Americans with aspirations for a greater country.

**Voters Are Drawn to Obama's Vision of Change** In 2008, in the midst of the election campaign, Barack Obama released a book. The book laid out the candidate's plan for restoring the economy and America's leadership position in the world. In it, he said,

We stand at a moment of great challenge and great opportunity. All across America, a chorus of voices is swelling in a demand for

change. The American people want the simple things that—for eight years—Washington hasn't delivered: an economy that honors the efforts of those who work hard, a national security policy that rallies the world to meet our shared threats and makes America safer, a politics that focuses on bringing people together across party lines to work for the common good. It's not too much to ask for. It is the change that the American people deserve.

—Barack Obama, *Change We Can Believe In*, 2008

Voters responded favorably to Obama's ideas. He won the presidency with 365 electoral votes to McCain's 173, becoming the nation's first African American president. This landslide victory gave Obama a mandate to pursue his plan for moving the country in a new direction. Once in office, however, Obama would discover that real change can be difficult to bring about.

**The Great Recession Continues** Polls conducted before and after the election made it clear that the economy was the most important issue in the minds of voters. They had good reason to be concerned. The financial system, centered on investment firms, was still unstable. Home sales—a key indicator of economic health—remained sluggish, and housing prices slipped steadily lower. Companies continued to lay off workers. The recession showed no signs of ending.

Soon after his election, Obama began working with the Democratic leaders of Congress on ways to bring about an economic recovery. One result was an economic stimulus package. A **stimulus** is an attempt by the government to inject money into the economy to encourage growth. With a vote that was overwhelmingly along party lines and supported by only a few Republican lawmakers, the Democrats pushed the package through Congress. The final bill, passed in February 2009, contained \$787 billion in spending and tax cuts. It included money for public works projects and tax credits for middle-class families. In March, Obama announced a second auto bailout to prevent the auto industry from collapsing. The government provided some \$60 billion in aid to General Motors and Chrysler.

The recession officially ended in June 2009, five months after Obama took the oath of office. The economy began to grow again, but very slowly. Some economists credit the TARP bailout, begun under President Bush, with breathing life back into the banking system. They also agree that Obama's economic stimulus and auto bailout saved jobs and gave the economy a needed boost.

By the end of Barack Obama's presidency, his administration had added a total of 11.3 million jobs to the U.S. economy. The unemployment rate had stabilized just below 6 percent for the last three years of his presidency. The job market also saw an increase in the number of Americans doing part-time work or so-called "gig" jobs, like driving for ride-sharing services.

**Health Care Reform** In September 2009, President Obama outlined his plan for overhauling the nation's health care system. Some 40–50 million Americans had no health insurance at the time. Most others worried about the steadily rising cost of health care. Obama's plan sought to lower health costs, secure and stabilize health care for those who already had health insurance, and expand coverage to the millions who had none. A key element of Obama's plan was the "individual mandate"—a requirement that all Americans must buy health insurance.

The president urged Congress—where Democrats held a majority in both houses—to work out the details together, in a bipartisan way. That did not happen. Democrats made a few compromises to try to fashion a bill acceptable to Republicans, who disagreed with the president's approach. But in the end, the Affordable Care Act passed with only a single Republican vote in favor of it. On March 23, 2010, Obama signed the bill into law.

Republicans called the reform law a government takeover of health care. They claimed that its estimated \$930 billion cost over 10 years was too high and that it would add to budget deficits. Referring to the law as "Obamacare," they vowed to repeal it. In 2015, the Supreme Court ruled in a 6–3 decision that tax credits available to those who were enrolled in either federal or state health insurance marketplaces was constitutional. This ruling meant that the Affordable Care Act would continue to function as President Obama intended. But debate about and attempts to repeal the law would continue for years.



House Republican Jim Jordan of Ohio is one of the founding members of the Freedom Caucus. Members of this caucus were often at odds with their moderate Republican colleagues during an unsuccessful attempt to repeal and replace the Affordable Care Act in 2017.

**The Tea Party** One of the groups that harshly criticized the Affordable Care Act was a new force on the political scene called the Tea Party. Taking its namesake from the Boston Tea Party of 1773, the group had no official leaders. It was a conservative, populist protest movement that arose in reaction to what it saw as too much government involvement in the economy.

The Tea Party never became an organized, separate political party, but it enjoyed a significant political influence within the Republican Party. In January 2015, nine members of the House formed the Freedom Caucus. Many more Republican members in the House have joined over time. One of the group's main goals is to move Republicans in Congress toward more conservative views on fiscal and social issues. Many in the caucus have ties to the original Tea Party movement.

**Gridlock** During the early part of 2010, President Obama and Congress agreed to raise the **debt ceiling**. The debt ceiling is the maximum amount of debt that the federal government is, by law, allowed to accumulate. In the 2010 midterm elections, Republicans won the House, and Democrats narrowly held onto their majority in the Senate. Soon, the president and lawmakers found themselves engaged in repeated episodes of **gridlock**—the inability to make progress—as they worked to lead and govern the nation.



Federal areas and lands, like monuments and parks, were closed to the public during the government shutdown in 2013. This image shows an empty National Mall with the Washington Monument in the background.

In 2013, the United States once again reached the nation's debt ceiling. Some conservative Republican lawmakers had blocked the passage of a new federal budget in order to prevent funding for the Affordable Care Act. This gridlock resulted in a shutdown of the federal government that lasted 16 days. Hundreds of thousands of federal employees were **furloughed**—told to take a mandatory leave of absence from their jobs without pay. As the shutdown dragged on and politicians argued, the Treasury Department announced that it would run out of money within days. If that happened, the United States would be unable to pay its debts, which would affect both the nation's economy and the global economy as well.

Faced with such a serious warning, the House and the Senate both agreed to work with the president to develop a package of long-term tax and spending policies that would cover the next decade. The debt ceiling was raised, and the government reopened. This episode exposed that there was not only continuing gridlock and division within the national government, but there also appeared to be gridlock and division within the Republican Party. Conservatives bitterly

conceded that their strategy had failed. Other Republicans expressed frustration that their conservative colleagues had focused on the health care law instead of on larger ideas, such as how the federal government funded programs and borrowed money. One Republican lawmaker lamented “Goose egg, nothing, we got nothing.”

**A Sudden Death Ignites a Political Battle** Throughout history, Supreme Court rulings have often led to vigorous division and debate in the United States. In early 2016, however, it was not a Supreme Court ruling that would politically divide Republicans and Democrats, but the very composition of the Court itself.



In a ceremony held in the White House Rose Garden on March 16, 2016, President Obama announced U.S. Court of Appeals judge Merrick Garland as his nomination to succeed Antonin Scalia on the Supreme Court. Although Garland did meet informally with almost 50 senators, several of whom were Republicans, he never received a full Senate hearing on his nomination.

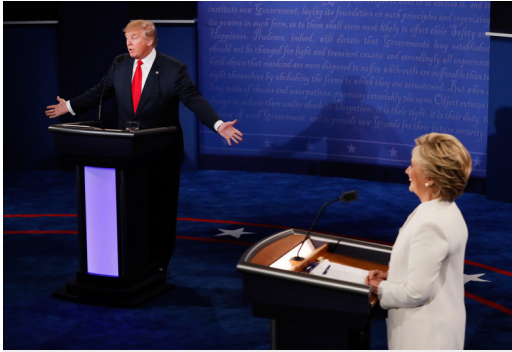
On February 13, Supreme Court Justice Antonin Scalia died unexpectedly while on vacation. President Reagan had appointed Scalia, who was perhaps the Court’s leading conservative. His death created an opening on the Court with under a year remaining in Barack Obama’s presidency. According to the Constitution, the president has the authority to nominate candidates for the Supreme Court, but the Senate is responsible for meeting with nominees,

debating their qualifications, and confirming them as Supreme Court justices.

To fill the vacancy, President Obama nominated Merrick Garland, a judge in the U.S. Court of Appeals. Garland was respected by both Democrats and Republicans, and considered to be qualified to serve on the Supreme Court. However, Republicans controlled the Senate, and they hoped a Republican candidate would win the presidency later that year. With the ability to select a nominee for the Supreme Court also now up for grabs along with control of the White House, Republican leaders saw the chance for a major political opportunity.

Mitch McConnell, the Senate Majority Leader, announced that Republicans believed the next president should be the one to nominate the candidate to fill Scalia's position. Therefore, the Senate would not take any formal action on Merrick Garland's status as a Supreme Court nominee. Democratic lawmakers were outraged, and President Obama was also frustrated by the partisan nature of the Senate's decision. In the end, the Republican decision to use this delay action was a successful tactic. The next president would indeed be the one to nominate the next person to serve on the Court.

Barack Obama's Domestic Agenda		
Issue	Goals	Progress and Setbacks
<b>Education</b>	Provide a high-quality education for all children to enable them to succeed in a global economy	<p><b>"Race to the Top"</b> Offered grants to states and school districts that made notable advances in educational reform and innovation</p> <p><b>"Education to Innovate"</b> Aimed at improving the participation and performance of students in science and technology</p>
<b>Energy and the Environment</b>	Reduce dependence on oil, promote energy efficiency, and invest in a clean energy future	<p><b>Cap and trade</b> Effort to reduce greenhouse gases and thus global warming by setting a cap, or limit, on carbon emissions (approved by the House but rejected by the Senate)</p> <p><b>New national fuel efficiency standards</b> Aimed at raising average fuel economy to 54.5 miles per gallon by 2025</p>
<b>Health</b>	Find cures to various diseases and conditions	<b>Embryonic stem cell research</b> Removed barriers that prevented the federal funding of scientific research involving human stem cells
<b>Liberal Values</b>	Create a more liberal Supreme Court	<b>Supreme Court</b> Appointed Sonia Sotomayor and Elena Kagan, both liberals, to the Supreme Court



Donald Trump and Hillary Clinton debated each other in Las Vegas, Nevada, on October 19, 2016. By this point in the campaign, tensions between the two candidates were so palpable that they did not shake hands before or after this debate.

## 5. Donald Trump: Focusing on America First

With President Obama's second term as president coming to an end, the divide between the two sides of the American political spectrum continued to increase drastically. This division only grew more tangible during the 2016 presidential election. After her victory in the Democratic primary election, the Democratic Party nominated Hillary Clinton as its presidential candidate in 2016. After a primary season where the Republican field briefly numbered as many as 17 candidates, Donald Trump emerged with the Republican nomination for president.

**The 2016 Presidential Candidates** As the Democratic presidential candidate in 2016, Hillary Clinton, Barack Obama's former secretary of state and wife of former President Bill Clinton, was attempting to become the first female president of the United States. Her policies were similar to those of Barack Obama. She supported ideas like maintaining the Affordable Care Act and working together as a nation to create racial and economic equality.

However, Clinton faced challenges during her campaign. She often had difficulties



expressing her vision for the nation and how her potential presidency would be different from President Obama's time in office. In addition, her campaign was challenged by an ongoing federal investigation that was being conducted regarding her use of a private e-mail server instead of a government server to fulfill her duties as secretary of state.

Some compared Donald Trump to Andrew Jackson because Trump had a populist message that sought to shake up the political world and Jackson had challenged the political establishment of his day. Trump supported policies that placed the interests of the United States ahead of international concerns or its relationships with other nations. This included a call to increase security along the country's southern border with Mexico by constructing a physical wall. Additionally, he wanted to replace the Affordable Care Act, vowing to repeal the law and substitute it with legislation that would offer quality health care at a lower cost.



Artist Scott Reeder installed this "Real Fake" sculpture outside of Trump International Hotel and Tower in Chicago, Illinois, as a comment on Trump's dismissal of the media's criticisms as "fake news." Trump's campaign was filled with controversy and sparked people to protest in various ways.

Trump used social media to connect with voters, underscoring the importance of social media during the 2016 presidential election. One expert stated that Donald Trump had used Twitter to his advantage by embracing the immediate moment, using unvarnished expression, and taking risks. Another researcher who also

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studied social media and the election found that 62 percent of U.S. adults had relied on various social media platforms as sources for news information.

This intersection of increased social media use and news gave rise to a new term: “fake news.” “**Fake news**” is defined as any type of news that is intentionally designed to mislead and can be verified as false information. Research that was conducted after the election found that “fake news” articles about politics had a significant presence on some social media sites. During the election campaign, experts also saw a decline in the level of trust that some American voters had in the mainstream media. This was particularly true among Republican voters.



During Donald Trump’s presidential campaign, supporters rallied around his slogan, “Make America Great Again,” which emphasized Trump’s “America First” agenda. Other Americans criticized Trump’s campaign as a resurgence of nativism, or the policy of favoring the interests of native-born Americans over those of immigrants.

Trump was a controversial candidate. Many who opposed him thought he was undignified and unsuitable to be president. Support for this perspective intensified in early October 2016 when *The Washington Post* released a 2005 interview that Trump participated in. An open, or “hot,” microphone had recorded him joking and

making comments about the manner in which he claimed he could treat women. Many believed that his remarks were offensive, inappropriate, and vulgar. Speculation swirled that he might drop out of the presidential race in favor of his vice-presidential candidate, Mike Pence. However, Trump pledged to be “a better man tomorrow,” and his campaign, as well as the controversy surrounding it, rolled on.



In his inaugural address, President Trump emphasized the power of the American people.

**Reactions to the Election** Hillary Clinton won the popular vote in the 2016 election, but Donald Trump won more delegates in the Electoral College. In his inaugural address, President Trump spoke of the power that the American people held.

It belongs to everyone gathered here today and everyone watching all across America. This is your day. This is your celebration. And this, the United States of America, is your country. What truly matters is not which party controls our government, but whether our government is controlled by the people. January 20th 2017, will be remembered as the day the people became the rulers of this nation again.

—Inaugural Address of President Donald J. Trump, January 20, 2017

In their analysis of the 2016 presidential election, some people theorized that Trump’s win signaled a strong rejection of U.S. immigration and trade policies at the time, a growing resentment toward globalization, and an increased weariness with the concept of “political correctness,” or the need to refrain from using

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language that people might consider insensitive due to its references to politics, race, religion, gender, or sexual orientation.

Some researchers declared that social media provided the main vehicle for Trump's political success, but others have urged caution about suggesting such a definite cause-effect relationship.

On January 21, 2017, hundreds of thousands of Americans gathered in Washington, D.C., and in many other U.S. cities. They assembled to support racial and gender equality, as well as women's issues. Known as the Women's March, the event was considered an organized protest against Trump's election.



The day after President Trump's inauguration, hundreds of thousands of women and men participated in the nationwide Women's March. In Washington, D.C., crowds of protesters flooded the

**The Trump Presidency** With legislative power in both the House and the Senate now firmly in their grasp thanks to the 2016 election, Congressional Republicans set out to repeal and replace the Affordable Care Act.

Conservatives wanted any new health care bill to make drastic cuts to Medicaid. Moderates opposed such deep reductions, fearing many Americans would lose their health insurance. Even President Trump called one potential piece of legislation "mean" and urged Republicans to compromise. In a quirk of fate, Senator John McCain, Obama's opponent in the 2008 presidential election, cast the deciding "no" vote during a repeal and replace effort in 2017.

With Donald Trump in office, the Republican Senate's gamble to make the nomination for the Supreme Court had paid off. Neil Gorsuch, a U.S. Circuit Court of Appeals judge known for his conservative views, was confirmed as President Trump's appointment to the Supreme Court.

Donald Trump's Domestic Agenda		
Issue	Goals	Progress and Setbacks
<b>Border Security and Travel Ban</b>	Improve the nation's border security and the enforcement of immigration laws	<p><b>Executive Order</b> Signed on January 25, 2017 to direct federal funding for the construction of a wall along the border with Mexico, call for the hiring of more Border Patrol agents, and seek to end the practice of releasing undocumented immigrants awaiting court hearings</p> <p><b>Executive Order</b> Signed on January 27, 2017 to suspend or prohibit the entry of immigrants from seven Muslim-majority countries into the United States. Full implementation of several different versions of the travel ban faced numerous legal challenges.</p>
<b>Deregulation</b>	Reduce regulation and regulatory costs	<p><b>Executive Order</b> Signed on January 30, 2017 to require executive departments and agencies to cut two regulations for every new one that was proposed. Any needed regulatory costs had to be offset with cuts of existing expenses.</p>
<b>Health</b>	Study the federal response to combating drug addiction and addressing the national opioid crisis	<p><b>Executive Order</b> Signed on March 29, 2017 to establish a commission to study the effectiveness of the federal government's response to the issues of drug addiction and the opioid crisis</p>
<b>Conservative Values</b>	Create a more conservative Supreme Court	<p><b>Supreme Court</b> Appointed Neil Gorsuch, a conservative, to the Supreme Court</p>

## Summary

**Each U.S. president since 1992 has struggled to meet his domestic policy goals.**

**Bill Clinton** As a moderate New Democrat, Clinton breathed new life into the Democratic coalition. One of his main legacies is welfare reform. Clinton failed to enact universal health care, however. In his second term, Clinton was impeached but not removed from office.

**Contract with America** In the 1994 midterm elections, Republicans won control of Congress with their 10-point Contract with America.

**Bush v. Gore** In the 2000 election, Al Gore led George W. Bush in the popular vote by a very thin margin. The Supreme Court decided the outcome of the election, denying Gore's demand for a recount in Florida.

**George W. Bush** As a candidate, Bush reached out to moderates with his compassionate conservatism. One of his main legacies is education reform. However, Bush failed to reform the Social Security system.

**Barack Obama** Faced with a slow-growing economy and high unemployment, Obama pushed an economic stimulus package through Congress. However, his jobs bill faced tough Republican opposition, as did his comprehensive health-care reform law.

**Donald Trump** A populist message that pledged to reduce illegal immigration and government regulation helped Trump score an unlikely political upset.

## ***Shelby County v. Holder, 2013***

The Voting Rights Act of 1965 was passed to address state and local laws that prevented African Americans from voting, such as literacy tests, poll taxes, and grandfather clauses. Sections 4 and 5 of the Voting Rights Act required states that had enabled voter suppression in the past to get federal approval for any proposed changes to their voting laws. The formula to determine which states were subject to preclearance was outlined in Section 4(b) of the act, making any state that had voting tests in place in November, 1964, and had less than 50% turnout in the 1964 presidential election. In 2006, Congress voted to extend the Voting Rights Act—including Sections 4 and 5—for another 25 years.

Because of its history of voter suppression, Shelby County, Alabama, was subject to the restrictions placed by Sections 4 and 5 of the Voting Rights Act. Shelby County fought against those restrictions, arguing that these sections of the Voting Rights Act violated Article 4 of the Constitution and the Tenth Amendment. Article 4 guarantees each state the right to self-government. The Tenth Amendment reserves for the states all powers that are not expressly delegated to the federal government. The federal government argued that these sections were within Congress's powers under the Fourteenth and Fifteenth Amendments. The Fourteenth Amendment guarantees every person's right to due process of law, and the Fifteenth Amendment protects the right to vote regardless of racial background.

*Shelby County v. Holder* came before the Supreme Court in 2013. The Court ruled 5-4 that Section 4(b) of the Voting Rights Act was unconstitutional, violating Article 4 and the Tenth Amendment. Chief Justice John G. Roberts Jr. wrote the majority opinion, which you can find below.

### ***Shelby County v. Holder, 2013***

Chief Justice Roberts delivered the opinion of the Court.

The Voting Rights Act of 1965 employed extraordinary measures to address an extraordinary problem. Section 5 of the Act required States to obtain federal permission before enacting any law related to voting—a drastic departure from basic principles of federalism. And §4 of the Act applied that requirement only to some States—an equally dramatic departure from the principle that all States enjoy equal sovereignty. This was strong medicine, but Congress determined it was needed to address entrenched racial discrimination in voting, “an insidious and pervasive evil which had been perpetuated in certain parts of our country through unremitting and ingenious defiance of the Constitution.” *South Carolina v. Katzenbach*, 383 U. S. 301, 309 (1966). As we explained in upholding the law, “exceptional conditions can justify legislative measures not otherwise appropriate.” *Id.*, at 334. Reflecting the unprecedented nature of these measures, they were scheduled to expire after five years. See Voting Rights Act of 1965, §4(a), 79Stat. 438.

Nearly 50 years later, they are still in effect; indeed, they have been made more stringent, and are now scheduled to last until 2031. There is no denying, however, that the conditions that originally justified these measures no longer characterize voting in the covered jurisdictions. By 2009, “the racial gap in voter registration and turnout [was] lower in the States originally covered by §5 than it [was] nationwide.” *Northwest Austin Municipal Util. Dist. No. One v. Holder*, 557 U. S. 193–204 (2009). Since that time, Census Bureau data indicate that African-American voter turnout has come to exceed white voter turnout in five of the six States originally covered by §5, with a gap in the sixth State of less than one half of one percent. See Dept. of Commerce, Census Bureau, Re-ported Voting and Registration, by Sex, Race and His-panic Origin, for States (Nov. 2012) (Table 4b).

At the same time, voting discrimination still exists; no one doubts that. The question is whether the Act’s extraordinary measures, including its disparate treatment of the States, continue to satisfy constitutional requirements. As we put it a short time ago, “the Act imposes current burdens and must be justified by current needs.”

Northwest Austin, 557 U. S., at 203.

I

A

The Fifteenth Amendment was ratified in 1870, in the wake of the Civil War. It provides that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,” and it gives Congress the “power to enforce this article by appropriate legislation.”

“The first century of congressional enforcement of the Amendment, however, can only be regarded as a failure.” *Id.*, at 197. In the 1890s, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia began to enact literacy tests for voter registration and to employ other methods designed to prevent African-Americans from voting. *Katzenbach*, 383 U. S., at 310. Congress passed statutes outlawing some of these practices and facilitating litigation against them, but litigation remained slow and expensive, and the States came up with new ways to discriminate as soon as existing ones were struck down. Voter registration of African-Americans barely improved. *Id.*, at 313–314.

Inspired to action by the civil rights movement, Congress responded in 1965 with the Voting Rights Act. Section 2 was enacted to forbid, in all 50 States, any “standard, practice, or procedure . . . imposed or applied . . . to deny or abridge the right of any citizen of the United States to vote on account of race or color.” 79Stat. 437. The current version forbids any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” 42 U. S. C. §1973(a). Both the Federal Government and individuals have sued to enforce §2, see, e.g., *Johnson v. De Grandy*, 512 U. S. 997 (1994) , and injunctive relief is available in appropriate cases to block voting laws from going into effect, see 42 U. S. C. §1973j(d). Section 2 is permanent, applies nationwide, and is not at issue in this case.

Other sections targeted only some parts of the country. At the time



of the Act's passage, these "covered" jurisdictions were those States or political subdivisions that had maintained a test or device as a prerequisite to voting as of November 1, 1964, and had less than 50 percent voter registration or turnout in the 1964 Presidential election. §4(b), 79Stat. 438. Such tests or devices included literacy and knowledge tests, good moral character requirements, the need for vouchers from registered voters, and the like. §4(c), *id.*, at 438–439. A covered jurisdiction could "bail out" of coverage if it had not used a test or device in the preceding five years "for the purpose or with the effect of denying or abridging the right to vote on account of race or color." §4(a), *id.*, at 438. In 1965, the covered States included Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia. The additional covered subdivisions included 39 counties in North Carolina and one in Arizona. See 28 CFR pt. 51, App. (2012).

In those jurisdictions, §4 of the Act banned all such tests or devices. §4(a), 79Stat. 438. Section 5 provided that no change in voting procedures could take effect until it was approved by federal authorities in Washington, D. C.—either the Attorney General or a court of three judges. *Id.*, at 439. A jurisdiction could obtain such "preclearance" only by proving that the change had neither "the purpose [nor] the effect of denying or abridging the right to vote on account of race or color." *Ibid.*

Sections 4 and 5 were intended to be temporary; they were set to expire after five years. See §4(a), *id.*, at 438; Northwest Austin, *supra*, at 199. In *South Carolina v. Katzenbach*, we upheld the 1965 Act against constitutional challenge, explaining that it was justified to address "voting discrimination where it persists on a pervasive scale." 383 U. S., at 308.

In 1970, Congress reauthorized the Act for another five years, and extended the coverage formula in §4(b) to jurisdictions that had a voting test and less than 50 percent voter registration or turnout as of 1968. Voting Rights Act Amendments of 1970, §§3–4, 84Stat. 315. That swept in several counties in California, New Hampshire, and New York. See 28 CFR pt. 51, App. Congress also extended the ban in §4(a) on tests and devices nationwide. §6, 84Stat. 315.

In 1975, Congress reauthorized the Act for seven more years, and extended its coverage to jurisdictions that had a voting test and less than 50 percent voter registration or turnout as of 1972. Voting Rights Act Amendments of 1975, §§101, 202, 89Stat. 400, 401. Congress also amended the definition of “test or device” to include the practice of providing English-only voting materials in places where over five percent of voting-age citizens spoke a single language other than English. §203, *id.*, at 401–402. As a result of these amendments, the States of Alaska, Arizona, and Texas, as well as several counties in California, Florida, Michigan, New York, North Carolina, and South Dakota, became covered jurisdictions. See 28 CFR pt. 51, App. Congress correspondingly amended sections 2 and 5 to forbid voting discrimination on the basis of membership in a language minority group, in addition to discrimination on the basis of race or color. §§203, 206, 89Stat. 401, 402. Finally, Congress made the nationwide ban on tests and devices permanent. §102, *id.*, at 400.

In 1982, Congress reauthorized the Act for 25 years, but did not alter its coverage formula. See Voting Rights Act Amendments, 96Stat. 131. Congress did, however, amend the bailout provisions, allowing political subdivisions of covered jurisdictions to bail out. Among other prerequisites for bailout, jurisdictions and their subdivisions must not have used a forbidden test or device, failed to receive preclearance, or lost a §2 suit, in the ten years prior to seeking bailout. §2, *id.*, at 131–133.

We upheld each of these reauthorizations against constitutional challenge. See *Georgia v. United States*, 411 U. S. 526 (1973) ; *City of Rome v. United States*, 446 U. S. 156 (1980) ; *Lopez v. Monterey County*, 525 U. S. 266 (1999) .

In 2006, Congress again reauthorized the Voting Rights Act for 25 years, again without change to its coverage formula. Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and [Amendments] Act, 120Stat. 577. Congress also amended §5 to prohibit more conduct than before. §5, *id.*, at 580– 581; see *Reno v. Bossier Parish School Bd.*, 528 U. S. 320, 341 (2000) (Bossier II); *Georgia v. Ashcroft*, 539 U. S. 461, 479 (2003) . Section 5 now forbids voting changes with “any

discriminatory purpose” as well as voting changes that diminish the ability of citizens, on account of race, color, or language minority status, “to elect their preferred candidates of choice.” 42 U. S. C. §§1973c(b)–(d).

Shortly after this reauthorization, a Texas utility district brought suit, seeking to bail out from the Act’s [coverage] and, in the alternative, challenging the Act’s constitutionality. See *Northwest Austin*, 557 U. S., at 200–201. A three-judge District Court explained that only a State or political subdivision was eligible to seek bailout under the statute, and concluded that the utility district was not a political subdivision, a term that encompassed only “counties, parishes, and voter-registering subunits.” *Northwest Austin Municipal Util. Dist. No. One v. Mukasey*, 573 F. Supp. 2d 221, 232 (DC 2008). The District Court also rejected the constitutional challenge. *Id.*, at 283.

We reversed. We explained that “ ‘normally the Court will not decide a constitutional question if there is some other ground upon which to dispose of the case.’ ” *Northwest Austin*, *supra*, at 205 (quoting *Escambia County v. McMillan*, 466 U. S. 48, 51 (1984) (*per curiam*)). Concluding that “underlying constitutional concerns,” among other things, “compel[led] a broader reading of the bailout provision,” we construed the statute to allow the utility district to seek bailout. *Northwest Austin*, 557 U. S., at 207. In doing so we expressed serious doubts about the Act’s [continued] constitutionality.

We explained that §5 “imposes substantial federalism costs” and “differentiates between the States, despite our [historic] tradition that all the States enjoy equal sovereignty.” *Id.*, at 202, 203 (internal quotation marks omitted). We also noted that “[t]hings have changed in the South. Voter turnout and registration rates now approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at [unprecedented] levels.” *Id.*, at 202. Finally, we questioned whether the problems that §5 meant to address were still “concentrated in the jurisdictions singled out for preclearance.” *Id.*, at 203.

Eight Members of the Court subscribed to these views, and the remaining Member would have held the Act unconstitutional.

Ultimately, however, the Court's construction of the bailout provision left the constitutional issues for another day.

## B

Shelby County is located in Alabama, a covered jurisdiction. It has not sought bailout, as the Attorney General has recently objected to voting changes proposed from within the county. See App. 87a–92a. Instead, in 2010, the county sued the Attorney General in Federal District Court in Washington, D. C., seeking a declaratory judgment that sections 4(b) and 5 of the Voting Rights Act are facially unconstitutional, as well as a permanent injunction against their enforcement. The District Court ruled against the county and upheld the Act. 811 F. Supp. 2d 424, 508 (2011). The court found that the evidence before Congress in 2006 was sufficient to justify reauthorizing §5 and continuing the §4(b) coverage formula.

The Court of Appeals for the D. C. Circuit affirmed. In assessing §5, the D. C. Circuit considered six primary categories of evidence: Attorney General objections to voting changes, Attorney General requests for more information regarding voting changes, successful §2 suits in covered jurisdictions, the dispatching of federal observers to monitor elections in covered jurisdictions, §5 preclearance suits involving covered jurisdictions, and the deterrent effect of §5. See 679 F. 3d 848, 862–863 (2012). After extensive analysis of the record, the court accepted Congress's conclusion that §2 litigation remained inadequate in the covered jurisdictions to protect the rights of minority voters, and that §5 was therefore still necessary. *Id.*, at 873.

Turning to §4, the D. C. Circuit noted that the evidence for singling out the covered jurisdictions was “less robust” and that the issue presented “a close question.” *Id.*, at 879. But the court looked to data comparing the number of successful §2 suits in the different parts of the country. Coupling that evidence with the deterrent effect of §5, the court concluded that the statute continued “to single out the jurisdictions in which discrimination is concentrated,” and thus held that the coverage formula passed constitutional muster. *Id.*, at 883.

Judge Williams dissented. He found “no positive [correlation] between inclusion in §4(b)’s coverage formula and low black registration or turnout.” *Id.*, at 891. Rather, to the extent there was any correlation, it actually went the other way: “condemnation under §4(b) is a marker of higher black registration and turnout.” *Ibid.*... Judge Williams also found that “[c]overed jurisdictions have far more black officeholders as a proportion of the black population than do uncovered ones.” *Id.*, at 892. As to the evidence of successful §2 suits, Judge Williams disaggregated the reported cases by State, and concluded that “[t]he five worst uncovered jurisdictions . . . have worse records than eight of the covered jurisdictions.” *Id.*, at 897. He also noted that two covered jurisdictions—Arizona and Alaska—had not had any successful reported §2 suit brought against them during the entire 24 years covered by the data. *Ibid.* Judge Williams would have held the coverage formula of §4(b) “irrational” and unconstitutional. *Id.*, at 885.

We granted certiorari. 568 U. S. \_\_\_\_ (2012).

## II

In *Northwest Austin*, we stated that “the Act imposes current burdens and must be justified by current needs.” 557 U. S., at 203. And we concluded that “a departure from the fundamental principle of equal sovereignty requires a showing that a statute’s disparate geographic coverage is sufficiently related to the problem that it targets.” *Ibid.* These basic principles guide our review of the question before us. [ 1 ]

## A

The Constitution and laws of the United States are “the supreme Law of the Land.” U. S. Const., Art. VI, cl. 2. State legislation may not contravene federal law. The Federal Government does not, however, have a general right to review and veto state enactments before they go into effect. A proposal to grant such authority to “negative” state laws was considered at the Constitutional Convention, but rejected in favor of allowing state laws to take effect, subject to later challenge under the Supremacy Clause. See 1 Records of the Federal Convention of 1787, pp. 21, 164–168 (M.

Farrand ed. 1911); 2 id., at 27–29, 390–392.

Outside the strictures of the Supremacy Clause, States retain broad autonomy in structuring their governments and pursuing legislative objectives. Indeed, the Constitution provides that all powers not specifically granted to the Federal Government are reserved to the States or citizens. Amdt. 10. This “allocation of powers in our federal system preserves the integrity, dignity, and residual sovereignty of the States.” *Bond v. United States*, 564 U. S. \_\_\_\_, \_\_\_\_ (2011) (slip op., at 9). But the federal balance “is not just an end in itself: Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power.” *Ibid.* (internal quotation marks omitted).

More specifically, “ ‘the Framers of the Constitution intended the States to keep for themselves, as provided in the Tenth Amendment, the power to regulate elections.’ ” *Gregory v. Ashcroft*, 501 U. S. 452–462 (1991) (quoting *Sugarman v. Dougall*, 413 U. S. 634, 647 (1973) ; some internal quotation marks omitted). Of course, the Federal Government retains significant control over federal elections. For instance, the Constitution authorizes Congress to establish the time and manner for electing Senators and Representatives. Art. I, §4, cl. 1; see also *Arizona v. Inter Tribal Council of Ariz., Inc.*, ante, at 4–6. But States have “broad powers to determine the conditions under which the right of suffrage may be exercised.” *Carrington v. Rash*, 380 U. S. 89, 91 (1965) (internal quotation marks omitted); see also *Arizona*, ante, at 13–15. And “[e]ach State has the power to prescribe the qualifications of its officers and the manner in which they shall be chosen.” *Boyd v. Nebraska ex rel. Thayer*, 143 U. S. 135, 161 (1892) . Drawing lines for congressional districts is likewise “primarily the duty and responsibility of the State.” *Perry v. Perez*, 565 U. S. \_\_\_\_, \_\_\_\_ (2012) (per curiam) (slip op., at 3) (internal quotation marks omitted).

Not only do States retain sovereignty under the Constitution, there is also a “fundamental principle of equal sovereignty” among the States. *Northwest Austin*, supra, at 203 (citing *United States v. Louisiana*, 363 U. S. 1, 16 (1960) ; *Lessee of Pollard v. Hagan*, 3 How. 212, 223 (1845); and *Texas v. White*, 7 Wall. 700, 725–726

(1869); emphasis added). Over a hundred years ago, this Court explained that our Nation “was and is a union of States, equal in power, dignity and authority.” *Coyle v. Smith*, 221 U. S. 559, 567 (1911) . Indeed, “the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized.” *Id.*, at 580. *Coyle* concerned the admission of new States, and *Katzenbach* rejected the notion that the principle operated as a bar on differential treatment outside that context. 383 U. S., at 328–329. At the same time, as we made clear in *Northwest Austin*, the fundamental principle of equal sovereignty remains highly pertinent in assessing subsequent disparate treatment of States. 557 U. S., at 203.

The Voting Rights Act sharply departs from these basic principles. It suspends “all changes to state election law—however innocuous—until they have been precleared by federal authorities in Washington, D. C.” *Id.*, at 202. States must beseech the Federal Government for permission to implement laws that they would otherwise have the right to enact and execute on their own, subject of course to any injunction in a §2 action. The Attorney General has 60 days to object to a preclearance request, longer if he requests more information. See 28 CFR §§51.9, 51.37. If a State seeks preclearance from a three-judge court, the process can take years.

And despite the tradition of equal sovereignty, the Act applies to only nine States (and several additional counties). While one State waits months or years and expends funds to implement a validly enacted law, its neighbor can typically put the same law into effect immediately, through the normal legislative process. Even if a noncovered jurisdiction is sued, there are important differences between those proceedings and preclearance proceedings; the preclearance proceeding “not only switches the burden of proof to the supplicant jurisdiction, but also applies substantive standards quite different from those governing the rest of the nation.” 679 F. 3d, at 884 (*Williams, J.*, dissenting) (case below).

All this explains why, when we first upheld the Act in 1966, we described it as “stringent” and “potent.” *Katzenbach*, 383 U. S., at 308, 315, 337. We recognized that it “may have been an uncommon exercise of congressional power,” but concluded that “legislative

measures not otherwise appropriate” could be justified by “exceptional conditions.” *Id.*, at 334. We have since noted that the Act “authorizes federal intrusion into sensitive areas of state and local policymaking,” *Lopez*, 525 U. S., at 282, and represents an “extraordinary departure from the traditional course of relations between the States and the Federal Government,” *Presley v. Etowah County Comm’n*, 502 U. S. 491 –501 (1992). As we reiterated in *Northwest Austin*, the Act constitutes “extraordinary legislation otherwise unfamiliar to our federal system.” 557 U. S., at 211.

## B

In 1966, we found these departures from the basic features of our system of government justified. The “blight of racial discrimination in voting” had “infected the electoral process in parts of our country for nearly a century.” *Katzenbach*, 383 U. S., at 308. Several States had enacted a variety of requirements and tests “specifically designed to prevent” African-Americans from voting. *Id.*, at 310. Case-by-case litigation had proved inadequate to prevent such racial discrimination in voting, in part because States “merely switched to discriminatory devices not covered by the federal decrees,” “enacted difficult new tests,” or simply “defied and evaded court orders.” *Id.*, at 314. Shortly before enactment of the Voting Rights Act, only 19.4 percent of African-Americans of voting age were registered to vote in Alabama, only 31.8 percent in Louisiana, and only 6.4 percent in Mississippi. *Id.*, at 313. Those figures were roughly 50 percentage points or more below the figures for whites. *Ibid.*

In short, we concluded that “[u]nder the compulsion of these unique circumstances, Congress responded in a permissibly decisive manner.” *Id.*, at 334, 335. We also noted then and have emphasized since that this extra-ordinary legislation was intended to be temporary, set to expire after five years. *Id.*, at 333; *Northwest Austin*, *supra*, at 199.

At the time, the coverage formula—the means of linking the exercise of the unprecedented authority with the problem that warranted it—made sense. We found that “Congress chose to limit



its attention to the geographic areas where immediate action seemed necessary.” Katzenbach, 383 U. S., at 328. The areas where Congress found “evidence of actual voting discrimination” shared two characteristics: “the use of tests and devices for voter registration, and a voting rate in the 1964 presidential election at least 12 points below the national average.” *Id.*, at 330. We explained that “[t]ests and devices are relevant to voting discrimination because of their long history as a tool for perpetrating the evil; a low voting rate is pertinent for the obvious reason that widespread disenfranchisement must inevitably affect the number of actual voters.” *Ibid.* We therefore concluded that “the coverage formula [was] rational in both practice and theory.” *Ibid.* It accurately reflected those jurisdictions uniquely characterized by voting discrimination “on a pervasive scale,” linking coverage to the devices used to effectuate discrimination and to the resulting disenfranchisement. *Id.*, at 308. The formula ensured that the “stringent remedies [were] aimed at areas where voting discrimination ha[d] been most flagrant.” *Id.*, at 315.

## C

Nearly 50 years later, things have changed [dramatically]. Shelby County contends that the preclearance [requirement], even without regard to its disparate coverage, is now unconstitutional. Its arguments have a good deal of force. In the covered jurisdictions, “[v]oter turnout and registration rates now approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at unprecedented levels.” *Northwest Austin*, 557 U. S., at 202. The tests and devices that blocked access to the ballot have been forbidden nationwide for over 40 years. See §6, 84Stat. 315; §102, 89Stat. 400.

Those conclusions are not ours alone. Congress said the same when it reauthorized the Act in 2006, writing that “[s]ignificant progress has been made in eliminating first generation barriers experienced by minority voters, including increased numbers of registered minority voters, minority voter turnout, and minority representation in Congress, State legislatures, and local elected offices.” §2(b)(1), 120Stat. 577. The House Report elaborated that “the number of African-Americans who are registered and who turn

out to cast ballots has increased significantly over the last 40 years, particularly since 1982,” and noted that “[i]n some circumstances, minorities register to vote and cast ballots at levels that surpass those of white voters.” H. R. Rep. No. 109–478, p. 12 (2006). That Report also explained that there have been “significant increases in the number of African-Americans serving in elected offices”; more specifically, there has been approximately a 1,000 percent increase since 1965 in the number of African-American elected officials in the six States originally covered by the Voting Rights Act. *Id.*, at 18.

The following chart, compiled from the Senate and House Reports, compares voter registration numbers from 1965 to those from 2004 in the six originally covered States. These are the numbers that were before Congress when it reauthorized the Act in 2006:

Voter Registration Numbers						
	1965			2004		
	White	Black	Gap	White	Black	Gap
Alabama	69.2	19.3	49.9	73.8	72.9	0.9
Georgia	62.[6]	27.4	35.2	63.5	64.2	-0.7
Louisiana	80.5	31.6	48.9	75.1	71.7	4.0
Mississippi	69.9	6.7	63.2	72.3	76.1	-3.8
South Carolina	75.7	37.3	38.4	74.4	74.4	3.3
Virginia	61.1	38.3	22.8	68.2	68.2	10.8

See S. Rep. No. 109–295, p. 11 (2006); H. R. Rep. No. 109–478, at 12. The 2004 figures come from the Census Bureau. Census Bureau data from the most recent election indicate that African-American voter turnout exceeded white voter turnout in five of the six States originally covered by §5, with a gap in the sixth State of less than one half of one percent. See Dept. of Commerce, Census Bureau, Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States (Table 4b). The preclearance statistics are also illuminating. In the first decade after enactment of §5, the

Attorney General objected to 14.2 percent of proposed voting changes. H. R. Rep. No. 109–478, at 22. In the last decade before reenactment, the Attorney General objected to a mere 0.16 percent. S. Rep. No. 109–295, at 13.

There is no doubt that these improvements are in large part because of the Voting Rights Act. The Act has proved immensely successful at redressing racial discrimination and integrating the voting process. See §2(b)(1), 120Stat. 577. During the “Freedom Summer” of 1964, in Philadelphia, Mississippi, three men were murdered while working in the area to register African-American voters. See *United States v. Price*, 383 U. S. 787, 790 (1966) . On “Bloody Sunday” in 1965, in Selma, Alabama, police beat and used tear gas against hundreds marching in [support] of African-American enfranchisement. See *Northwest Austin*, *supra*, at 220, n. 3 (Thomas, J., concurring in judgment in part and dissenting in part). Today both of those towns are governed by African-American mayors. Problems remain in these States and others, but there is no denying that, due to the Voting Rights Act, our Nation has made great strides.

Yet the Act has not eased the restrictions in §5 or narrowed the scope of the coverage formula in §4(b) along the way. Those extraordinary and unprecedented features were reauthorized—as if nothing had changed. In fact, the Act’s unusual remedies have grown even stronger. When Congress reauthorized the Act in 2006, it did so for another 25 years on top of the previous 40—a far cry from the initial five-year period. See 42 U. S. C. §1973b(a)(8). Congress also expanded the prohibitions in §5. We had previously interpreted §5 to prohibit only those redistricting plans that would have the purpose or effect of worsening the position of minority groups. See *Bossier II*, 528 U. S., at 324, 335–336. In 2006, Congress amended §5 to prohibit laws that could have favored such groups but did not do so because of a discriminatory purpose, see 42 U. S. C. §1973c(c), even though we had stated that such broadening of §5 coverage would “exacerbate the substantial federalism costs that the preclearance procedure already exacts, perhaps to the extent of raising concerns about §5’s constitutionality,” *Bossier II*, *supra*, at 336 (citation and internal quotation marks omitted). In addition, Congress expanded §5 to

prohibit any voting law “that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States,” on account of race, color, or language minority status, “to elect their preferred candidates of choice.” §1973c(b). In light of those two amendments, the bar that covered jurisdictions must clear has been raised even as the conditions justifying that requirement have dramatically improved.

We have also previously highlighted the concern that “the preclearance requirements in one State [might] be unconstitutional in another.” *Northwest Austin*, 557 U. S., at 203; see *Georgia v. Ashcroft*, 539 U. S., at 491 (Kennedy, J., concurring) (“considerations of race that would doom a redistricting plan under the Fourteenth Amendment or §2 [of the Voting Rights Act] seem to be what save it under §5”). Nothing has happened since to alleviate this troubling concern about the current application of §5.

Respondents do not deny that there have been improvements on the ground, but argue that much of this can be attributed to the deterrent effect of §5, which dissuades covered jurisdictions from engaging in discrimination that they would resume should §5 be struck down. Under this theory, however, §5 would be effectively immune from scrutiny; no matter how “clean” the record of covered jurisdictions, the argument could always be made that it was deterrence that accounted for the good behavior.

The provisions of §5 apply only to those jurisdictions singled out by §4. We now consider whether that coverage formula is constitutional in light of current conditions.

III

A

When upholding the constitutionality of the coverage formula in 1966, we concluded that it was “rational in both practice and theory.” *Katzenbach*, 383 U. S., at 330. The formula looked to cause (discriminatory tests) and [effect] (low voter registration and turnout), and tailored the remedy (preclearance) to those jurisdictions exhibiting both.

By 2009, however, we concluded that the “coverage formula raise[d] serious constitutional questions.” *Northwest Austin*, 557 U. S., at 204. As we explained, a statute’s “current burdens” must be justified by “current needs,” and any “disparate geographic coverage” must be “sufficiently related to the problem that it targets.” *Id.*, at 203. The coverage formula met that test in 1965, but no longer does so.

Coverage today is based on decades-old data and eradicated practices. The formula captures States by reference to literacy tests and low voter registration and turnout in the 1960s and early 1970s. But such tests have been banned nationwide for over 40 years. §6, 84Stat. 315; §102, 89Stat. 400. And voter registration and turnout numbers in the covered States have risen dramatically in the years since. H. R. Rep. No. 109–478, at 12. Racial disparity in those numbers was compelling evidence justifying the preclearance remedy and the coverage formula. See, e.g., *Katzenbach*, *supra*, at 313, 329–330. There is no longer such a disparity.

In 1965, the States could be divided into two groups: those with a recent history of voting tests and low voter registration and turnout, and those without those characteristics. Congress based its coverage formula on that distinction. Today the Nation is no longer divided along those lines, yet the Voting Rights Act continues to treat it as if it were.

## B

The Government’s defense of the formula is limited. First, the Government contends that the formula is “reverse-engineered”: Congress identified the jurisdictions to be covered and then came up with criteria to describe them. Brief for Federal Respondent 48–49. Under that reasoning, there need not be any logical relationship [between] the criteria in the formula and the reason for coverage; all that is necessary is that the formula happen to capture the jurisdictions Congress wanted to single out.

The Government suggests that *Katzenbach* sanctioned such an approach, but the analysis in *Katzenbach* was quite different. *Katzenbach* reasoned that the coverage formula was rational because the “formula . . . was relevant to the problem”: “Tests and

devices are relevant to voting discrimination because of their long history as a tool for perpetrating the evil; a low voting rate is pertinent for the obvious reason that widespread disenfranchisement must inevitably affect the number of actual voters.” 383 U. S., at 329, 330.

Here, by contrast, the Government’s [reverse-engineering] argument does not even attempt to demonstrate the continued relevance of the formula to the problem it targets. And in the context of a decision as significant as this one—subjecting a disfavored subset of States to “extraordinary legislation otherwise unfamiliar to our federal system,” *Northwest Austin*, *supra*, at 211—that failure to establish even relevance is fatal.

The Government falls back to the argument that because the formula was relevant in 1965, its continued use is permissible so long as any discrimination remains in the States Congress identified back then—regardless of how that discrimination compares to discrimination in States unburdened by coverage. Brief for Federal Respondent 49–50. This argument does not look to “current political conditions,” *Northwest Austin*, *supra*, at 203, but instead relies on a comparison between the States in 1965. That comparison reflected the different histories of the North and South. It was in the South that slavery was upheld by law until uprooted by the Civil War, that the reign of Jim Crow denied African-Americans the most basic freedoms, and that state and local governments worked tirelessly to disenfranchise citizens on the basis of race. The Court invoked that history—rightly so—in sustaining the disparate coverage of the Voting Rights Act in 1966. See *Katzenbach*, *supra*, at 308 (“The constitutional propriety of the Voting Rights Act of 1965 must be judged with reference to the historical experience which it reflects.”).

But history did not end in 1965. By the time the Act was reauthorized in 2006, there had been 40 more years of it. In assessing the “current need[ ]” for a preclearance system that treats States differently from one another today, that history cannot be ignored. During that time, largely because of the Voting Rights Act, voting tests were abolished, disparities in voter registration and turnout due to race were erased, and African-Americans attained political office in record numbers. And yet the coverage formula that

Congress reauthorized in 2006 ignores these developments, keeping the focus on decades-old data relevant to decades-old problems, rather than current data reflecting current needs.

The Fifteenth Amendment commands that the right to vote shall not be denied or abridged on account of race or color, and it gives Congress the power to enforce that command. The Amendment is not designed to punish for the past; its purpose is to ensure a better future. See *Rice v. Cayetano*, 528 U. S. 495, 512 (2000) (“Consistent with the design of the Constitution, the [Fifteenth] Amendment is cast in fundamental terms, terms transcending the particular controversy which was the immediate impetus for its enactment.”). To serve that purpose, Congress—if it is to divide the States—must identify those jurisdictions to be singled out on a basis that makes sense in light of current conditions. It cannot rely simply on the past. We made that clear in *Northwest Austin*, and we make it clear again today.

C

In defending the coverage formula, the Government, the intervenors, and the dissent also rely heavily on data from the record that they claim justify disparate coverage. Congress compiled thousands of pages of evidence before reauthorizing the Voting Rights Act. The court below and the parties have debated what that record shows—they have gone back and forth about whether to compare covered to noncovered jurisdictions as blocks, how to disaggregate the data State by State, how to weigh §2 cases as evidence of ongoing discrimination, and whether to consider evidence not before Congress, among other issues. Compare, e.g., 679 F. 3d, at 873–883 (case below), with *id.*, at 889–902 (Williams, J., dissenting). Regardless of how to look at the record, however, no one can fairly say that it shows anything approaching the “pervasive,” “flagrant,” “widespread,” and “rampant” discrimination that faced Congress in 1965, and that clearly distinguished the covered jurisdictions from the rest of the Nation at that time. *Katzenbach*, *supra*, at 308, 315, 331; *Northwest Austin*, 557 U. S., at 201.

But a more fundamental problem remains: Congress did not use the

record it compiled to shape a coverage formula grounded in current conditions. It instead reenacted a formula based on 40-year-old facts having no logical relation to the present day. The dissent relies on “second-generation barriers,” which are not impediments to the casting of ballots, but rather electoral arrangements that affect the weight of minority votes. That does not cure the problem. Viewing the preclearance requirements as targeting such efforts simply highlights the irrationality of continued reliance on the §4 coverage formula, which is based on voting tests and access to the ballot, not vote dilution. We cannot pretend that we are reviewing an updated statute, or try our hand at updating the statute ourselves, based on the new record compiled by Congress. Contrary to the dissent’s contention, see post, at 23, we are not ignoring the record; we are simply recognizing that it played no role in shaping the statutory formula before us today.

The dissent also turns to the record to argue that, in light of voting discrimination in Shelby County, the county cannot complain about the provisions that subject it to preclearance. Post, at 23–30. But that is like saying that a driver pulled over pursuant to a policy of stopping all redheads cannot complain about that policy, if it turns out his license has expired. Shelby County’s claim is that the coverage formula here is unconstitutional in all its applications, because of how it selects the jurisdictions [subjected] to preclearance. The county was selected based on that formula, and may challenge it in court.

D

The dissent proceeds from a flawed premise. It quotes the famous sentence from *McCulloch v. Maryland*, 4 Wheat. 316, 421 (1819), with the following emphasis: “Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.” Post, at 9 (emphasis in dissent). But this case is about a part of the sentence that the dissent does not emphasize—the part that asks whether a legislative means is “consist[ent] with the letter and spirit of the constitution.” The dissent states that “[i]t cannot tenably be maintained” that this is an issue with regard to the



Voting Rights Act, post, at 9, but four years ago, in an opinion joined by two of today's dissenters, the Court expressly stated that "[t]he Act's preclearance requirement and its coverage formula raise serious constitutional questions." *Northwest Austin*, supra, at 204. The dissent does not explain how those "serious constitutional questions" became untenable in four short years.

The dissent treats the Act as if it were just like any other piece of legislation, but this Court has made clear from the beginning that the Voting Rights Act is far from ordinary. At the risk of repetition, Katzenbach indicated that the Act was "uncommon" and "not otherwise appropriate," but was justified by "exceptional" and "unique" conditions. 383 U. S., at 334, 335. Multiple decisions since have reaffirmed the Act's "extraordinary" nature. See, e.g., *Northwest Austin*, supra, at 211. Yet the dissent goes so far as to suggest instead that the preclearance requirement and disparate treatment of the States should be upheld into the future "unless there [is] no or almost no evidence of unconstitutional action by States." Post, at 33.

In other ways as well, the dissent analyzes the [question] presented as if our decision in *Northwest Austin* never happened. For example, the dissent refuses to [consider] the principle of equal sovereignty, despite *Northwest Austin*'s emphasis on its significance. *Northwest Austin* also emphasized the "dramatic" progress since 1965, 557 U. S., at 201, but the dissent describes current levels of discrimination as "flagrant," "widespread," and "pervasive," post, at 7, 17 (internal quotation marks omitted). Despite the fact that *Northwest Austin* requires an Act's "disparate geographic coverage" to be "sufficiently related" to its targeted problems, 557 U. S., at 203, the dissent maintains that an Act's limited coverage actually eases Congress's burdens, and suggests that a fortuitous relationship should suffice. Although *Northwest Austin* stated definitively that "current burdens" must be justified by "current needs," *ibid.*, the dissent argues that the coverage formula can be justified by history, and that the required showing can be weaker on reenactment than when the law was first passed.

There is no valid reason to insulate the coverage [formula] from review merely because it was previously enacted 40 years ago. If

Congress had started from scratch in 2006, it plainly could not have enacted the present coverage formula. It would have been irrational for Congress to distinguish between States in such a fundamental way based on 40-year-old data, when today's statistics tell an entirely different story. And it would have been irrational to base coverage on the use of voting tests 40 years ago, when such tests have been illegal since that time. But that is exactly what Congress has done.

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Striking down an Act of Congress “is the gravest and most delicate duty that this Court is called on to perform.” *Blodgett v. Holden*, 275 U. S. 142, 148 (1927) (Holmes, J., concurring). We do not do so lightly. That is why, in 2009, we took care to avoid ruling on the constitutionality of the Voting Rights Act when asked to do so, and instead resolved the case then before us on statutory grounds. But in issuing that decision, we expressed our broader concerns about the constitutionality of the Act. Congress could have updated the coverage formula at that time, but did not do so. Its failure to act leaves us today with no choice but to declare §4(b) unconstitutional. The formula in that section can no longer be used as a basis for subjecting jurisdictions to preclearance.

Our decision in no way affects the permanent, nationwide ban on racial discrimination in voting found in §2. We issue no holding on §5 itself, only on the coverage formula. Congress may draft another formula based on current conditions. Such a formula is an initial prerequisite to a determination that exceptional conditions still exist justifying such an “extraordinary departure from the traditional course of relations between the States and the Federal Government.” *Presley*, 502 U. S., at 500–501. Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions.

The judgment of the Court of Appeals is reversed.

It is so ordered.

# The Murrah Federal Building Bombing



On April 19, 1996, a truck filled with explosives detonated outside of the Alfred P. Murrah Federal Building in Oklahoma City, killing 168 people, 19 of whom were children, and injuring hundreds more. More than 300 buildings nearby were damaged or destroyed. At the time, it was the largest terrorist attack to occur in the United States. Investigations began immediately. More than 28,000 interviews were conducted, and nearly three-and-a-half tons of evidence were collected. On April 21, an eyewitness account led authorities to arrest and charge anti-government and former U.S. Army soldier Timothy McVeigh.

Timothy McVeigh had grown suspicious of the U.S. federal government as the military began to downsize following the Cold War. McVeigh, and his accomplice, Terry Nichols, were additionally radicalized by the Waco siege in April 1993, where members of the Branch Davidian religious sect perished. It was the two year anniversary of the Waco siege when McVeigh parked the explosive truck outside of the Murrah Building.

McVeigh was convicted on June 2, 1997. On August 14 of that year, the death penalty was imposed, and, four years later, McVeigh was put to death. After the bombing, the Murrah Building was demolished. In its place was built the Oklahoma City National Memorial Museum, which honors the victims, survivors, rescuers, and all who were affected by the bombing.

## Ongoing Issues in Domestic Politics

As you read, President Barack Obama overhauled the United States healthcare system during his time in office. Obama's new health care plan aimed to lower health care costs and expand health care coverage nationwide. This new health care plan became known as the Affordable Care Act.

Under the Obama administration, large immigration reforms also occurred. Established in 2012, DACA, or the Deferred Action for Childhood Arrivals, allows individuals living illegally in the United States after being brought into the country as children to receive a renewable two-year period in which they are protected from deportation. These individuals also have the ability to apply for a work permit in the United States. DACA was created after the recognition that "DREAMers," or undocumented child immigrants, have been raised almost fully in the United States and should thus have an opportunity to become citizens. The first attempts at a program similar to DACA occurred in 2001 with the DREAM Act. This act would have provided a path to permanent residency for illegal immigrants in the United States. However, the DREAM Act and various subsequent versions of the bill failed to pass Congress. This failure was seen as a driving force behind the push for DACA. In 2014 following the implementation of DACA, Obama proposed a further expansion of DACA to additional illegal immigrants. However, 26 states sued the U.S. District Court in Texas, asking the court to prohibit the DACA expansion. An injunction was then issued, which prevented the expansion of DACA. Meanwhile, the lawsuit turned Supreme Court case, *Texas v. United States*, was heard in the Supreme Court. The Supreme Court left the injunction in place, thus blocking the planned DACA expansion.

As of August 2018, more than 699,350 individuals living in the United States under DACA. However, DACA was recently rescinded by the Trump Administration in 2017, though some state courts still continue to recognize the program. It is unknown how political changes under the current administration and future administration will affect the repeal of the program.

Current changes under the new administration include a reevaluation and subsequent lowering of tax rates. In 2017, President Trump signed the Tax Cuts and Jobs Act. The goal of this act was to decrease individual income tax rates, as well as eliminate personal exemptions. The result of this would be an increased tax deduction for taxpayers. The act would also lower the corporate tax rate. However, there continues to be controversy over Trump's tax policy, with some arguing that the policy instead protects the upper-class and large corporations. It is unclear the lasting effects of the current tax policy.