RAYMOND GRUENDER ON VOTING RIGHTS

Highlights:

- Raymond Gruender opposed voting rights.
    - Gruender's ruling weakened the Voting Rights Act.
    - In 2009, Gruender was part of the majority that ruled the City of Martin South Dakota had not violated Section 2 Of the Voting Rights Act, and, therefore, not disenfranchised the Native American voters in the state.

Gruender Opposed Voting Rights

GRUENDER WAS PART OF THE MAJORITY THAT RULED INDIVIDUALS AND GROUPS COULD NOT SUE UNDER SECTION 2 OF THE VOTING RIGHTS ACT

Gruender Ruled That Private Citizens Could Not Sue To Protect Their Voting Rights. According to the Nation, "Last Monday, just before Thanksgiving, the United States Court of Appeals for the Eighth Circuit tried to pull a villain move on the 15th Amendment of the Constitution by gluing shut the mouths of Black people fighting for the right to vote. In a shocking and legally dubious decision, the circuit ruled in Arkansas State Conference NAACP v. Arkansas Public Policy Panel that private citizens could not sue to protect their voting rights under the law that is literally named The Voting Rights Act." [Nation, 11/29/23]

Gruender Joined The Majority In Ruling Against The NAACP. According to the Associated Press, "When those details are missing, it is not our place to fill in the gaps, except when 'text and structure' require it,' U.S. Circuit Judge David R. Stras wrote for the majority in an opinion joined by Judge Raymond W. Gruender. Stras was nominated by former President Donald Trump and Gruender by former President George W. Bush."[Associated Press, 11/20/23]

The Nation: The Ruling Made The Voting Rights Act "Functionally Inoperable." According to the Nation, "Of course, Stras isn't trying to take the right to sue away from any bigoted website designer who doesn't want to serve same-sex couples, or any white man who is angry that their mediocre child missed out on their first choice of a university. Instead, Stras is focused on stopping groups like the NAACP from suing on just one topic: voting rights. In so doing, this ruling doesn't merely weaken the Voting Rights Act; it makes the law functionally inoperable." [Nation, 11/29/23]

January 2024: The Eighth Circuit Announced It Would Not Rehear The Case

January 2024: The Eighth Circuit Announced It Refused To Rehear The Case. According to the NAACP, "Today, the Eighth Circuit Court of Appeals announced it will not rehear the Arkansas State Conference NAACP v. Arkansas Board of Apportionment voting case. Lead plaintiff, the Arkansas State Conference of the NAACP is challenging the Arkansas State House map, arguing that the map unlawfully suppresses Black voting power and violates Section 2 of the Voting Rights Act of 1965. Today's decision comes following an appeal in a 2-1 ruling in November where the Eighth Circuit panel backed a district court decision that determined private parties cannot pursue legal action to protect their voting rights under Section 2 of the Voting Rights Act." [NAACP, 1/30/24]

2009: GRUENDER JOINED THE MAJORITY AND RULED THAT THE CITY OF MARTIN SOUTH DAKOTA DID NOT VIOLATE SECTION 2 OF THE VOTING RIGHTS ACT

2009: South Dakota District Courts Ruled That The City Of Martin Violated Section 2 Of The Voting Rights Act

2009: A South Dakota District Court Found That The City Of Martin Violated Section 2 Of The Voting Rights Act. According to Cottier v. City of Martin via Case Text, "On remand, having been directed to accept that the plaintiffs established all three Gingles preconditions for a Section 2 vote dilution claim, the district court found based on the totality of the circumstances that Ordinance 122 violated Section 2. Cottier v. City of Martin, 466 F.Supp.2d 1175 (D.S.D. 2006). The City declined to propose a remedy, asserting that there was no possible remedy for the violation found by the court." [Cottier v. City of Martin, No. 07-1628. Via Case Text, 9/23/09]

Gruender And The Eighth Circuit Of Appeals Overturned The Lower Court's Ruling

The Eighth Circuit Of Appeals Reversed The Lower Court's Decision And Sided With The City Of Martin South Dakota That Native American Voters Were Not Being Disenfranchised. According to Cottier v. City of Martin via Case Text, "This appeal involves a claim that the City of Martin, South Dakota, and several of its officials violated Section 2 of the Voting Rights Act of 1965, 42 U.S.C. § 1973(b). The plaintiffs contend that the defendants adopted and maintained an ordinance that impaired the ability of Native American Indians to participate in the political process and to elect representatives of their choice in city elections. Sitting en banc, we conclude that the district court properly dismissed the action in its order of March 22, 2005, which was reversed by a panel of this court. We therefore vacate the court's later judgment of February 9, 2007, and remand with directions to dismiss the action." [Cottier v. City of Martin, No. 07-1628. Via Case Text, 9/23/09]

- **Gruender Ruled In The Majority For The City Of Martin South Dakota.** According to SCOTUS Blog, "Gruender's record in voting rights cases has varied. In Cottier v. City of Martin, in 2010, he joined an en banc opinion (written by Judge Steven Colloton, who is also on Trump's shortlist) overruling a previous en banc decision in favor of the plaintiffs; in determining that it should not be bound by the previous decision, the en banc court invoked federalism principles, deeming it 'exceptionally important for a federal court to ensure that there is a proven violation … before ordering a city in South Dakota to undertake significant changes in its electoral process.' The court went on to conclude that the plaintiffs had not established the requisite preconditions for a vote dilution claim under Section 2 of the Voting Rights Act because they had not demonstrated that 'the white majority' in Martin voted sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate in city council elections." [SCOTUS Blog, 1/12/17]

November 2010: The Supreme Court Denied To Hear The Case

November 2010: The Supreme Court Denied Cert And Refused To Hear The Case. According to the Turtle Talk, self-described as the "The Leading Blog On Legal Issues In Indian Country," The Supreme Court denied cert in the case. [Turtle Talk-Blog On Native American Legal Issues, 11/15/10]