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LDF FILES AMICUS BRIEF DEFENDING THE RIGHT TO SUE IN CASES OF VOTING DISCRIMINATION

The Legal Defense Fund (LDF) filed an [amicus brief](#) today in support of the plaintiffs in *Turtle Mountain Band of Chippewa Indians et al. v. Michael Howe, Secretary of State of North Dakota*, a major voting rights case pending in the Eighth Circuit Court of Appeals. In another recent decision, *Arkansas State Conference NAACP v. Arkansas Board of Apportionment*, the Eighth Circuit departed from settled law and ruled that private individuals and organizations lack a private right of action under Section 2 of the Voting Rights Act. The brief filed by LDF in the *Turtle Mountain* case argues that, notwithstanding the Eighth Circuit’s decision in *Arkansas NAACP*, another federal statute—Section 1983, which was passed during the Reconstruction Era and is now codified as 42 U.S.C. Section 1983—grants individuals the ability to sue to enforce their rights under Section 2 of the Voting Rights Act.

“Section 2 gives individual voters important rights to protect themselves from discrimination as they seek to participate in our democracy. Our brief explains that under established law it is clear that Section 1983 grants them access to federal courts to enforce those rights,” said Michael Skocpol, Assistant Counsel at LDF. “LDF has been engaged in the movement to protect and preserve the rights of voters under the Voting Rights Act since the statute was passed in 1965. Our work has shown that the private enforcement of the statute is essential to achieving its fundamental purpose of realizing the promise of equal citizenship in our multi-racial democracy.”

LDF’s filing was prompted after Secretary Howe appealed a U.S. District Court ruling in favor of the Spirit Lake Tribe, the Turtle Mountain Band of Chippewa, and several individual voters. The District Court found that North Dakota’s state legislative map violated Section 2 because it denied Plaintiffs and other Native American voters in North Dakota an equal opportunity to participate in the political process and elect candidates of choice. In so ruling, the District Court recognized that Plaintiffs have a right to use Section 1983 to enforce Section 2 of the Voting Rights Act.

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Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape

the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.