SUPREME COURT OF THE UNITED STATES

Nos. 98–405 and 98–406

JANET RENO, ATTORNEY GENERAL, APPELLANT
98–405 *v.*
BOSSIER PARISH SCHOOL BOARD

GEORGE PRICE, ET AL., APPELLANTS
98–406 *v.*
BOSSIER PARISH SCHOOL BOARD

ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[January 24, 2000]

JUSTICE STEVENS, with whom JUSTICE GINSBURG joins, dissenting.

In its administration of the voting rights statute for the past quarter century, the Department of Justice has consistently employed a construction of the Voting Rights Act of 1965 contrary to that imposed upon the Act by the Court today. Apart from the deference such constructions are always afforded, the Department's reading points us directly to the necessary starting point of any exercise in statutory interpretation– the plain language of the statute.

It is not impossible that language alone would lead one to think that the phrase "will not have the effect," includes some temporal measure; the noun "effect," and the verb tense "will have" could imaginably give rise to a reading that requires a comparison between what is and what will be. But there is simply nothing in the word "purpose" or the entire phrase "does not have the purpose" that would lead anyone to think that Congress had anything in mind

but a present-tense, intentional effort to "den[y] or abridg[e] the right to vote on account of race." See, *e.g.*, Webster's Third New International Dictionary 1847 (1966). Ergo, if a municipality intends to deny or abridge voting rights because of race, it may not obtain preclearance.

Like JUSTICE SOUTER, I am persuaded that the dissenting opinions of Justices White and Marshall were more faithful to the intent of the Congress that enacted the Voting Rights Act of 1965 than that of the majority in *Beer* v. *United States*, 425 U. S. 130 (1976). One need not, however, disavow that precedent in order to explain my profound disagreement with the Court's holding today. The reading above makes clear that there is no necessary tension between the *Beer* majority's interpretation of the word "effect" in §5 and the Department's consistent interpretation of the word "purpose." For even if retrogression is an acceptable standard for identifying prohibited effects, that assumption does not justify an interpretation of the word "purpose" that is at war with both controlling precedent and the plain meaning of the statutory text.

Accordingly, for these reasons and for those stated at greater length by JUSTICE SOUTER, I respectfully dissent.