

The Supreme Court Deals a Death Blow to the Voting Rights Act

On April 29, the Supreme Court handed down its 6–3 decision in [Louisiana v. Callais](#), which challenged the proposed Louisiana congressional map that had added a second Black-majority district in that state. SCOTUS found that map to be an unconstitutional racial gerrymander. In doing so, the Court redefined the long-standing interpretation of Section 2 of the Voting Rights Act (VRA), effectively gutting what remained of its protections and clearing the way for nationwide gerrymandering to reduce minority representation.



Background

After the VRA was passed in 1965, minority representation [increased significantly](#), especially in those southern states with large Black populations. The law was designed to end the obstacles that many of those states had put in place to nullify the Fifteenth Amendment, which promised that “the 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.”

The *Callais* decision follows two previous Court rulings that severely weakened the VRA. First, the Court ruled in [Shelby County v. Holder](#) (2013) that Section 5 of the VRA was unconstitutional. Section 5 had required any jurisdiction with a history of discrimination to secure federal approval before changing its voting procedures.

Voting Rights Act, 1965, Section 2

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

In the second decision, [Brnovich v. Democratic National Committee](#) (2021), the Court allowed Arizona to pass voting laws that prohibited the counting of ballots cast outside the voter’s designated precinct and allowed only certain individuals to handle another person’s completed early ballot, making it much more difficult for many to cast their ballots. That decision reinstated states’ ability to impose voting restrictions that have a disproportionate impact on minority voters.

The *Callais* Decision

Along with these previous decisions, the Court’s April 29 ruling in *Callais* effectively eviscerates the VRA. The Court held that

the focus of §2 [of the VRA] must be enforcement of the Fifteenth Amendment’s prohibition on intentional racial discrimination. When §2 of the Act is properly interpreted, it imposes liability only when circumstances give rise to a strong inference that intentional discrimination occurred. Properly understood, §2 thus does not intrude on States’ prerogative to draw based on nonracial factors, including to achieve partisan advantage. In

short, §2 imposes liability only when the evidence supports a strong inference that the State intentionally drew its districts to afford minority voters less opportunity because of their race. ([Callais](#), Syllabus, page 3)

The Court’s reading of the law rejects previous interpretations, ignoring the doctrine of *stare decisis* to stand the law’s original intent on its head. The contested Louisiana map was, paradoxically, a response to a federal court decision requiring Louisiana to add a second Black-majority congressional district in order to comply with Section 2 of the VRA. Instead, the Court ruled that the new map was racially motivated and therefore unconstitutional.

Writing for the majority, Justice Samuel Alito acknowledges previous discrimination and the role played by the VRA in correcting it, but he avers that “the States and Federal Government have no compelling interest in generally remediating ‘past discrimination in a particular industry or region’ or ‘the effects of societal discrimination.’” Rather, only specific and intentional instances of discrimination can justify remedial action. Quoting *Students for Fair Admissions v. President and Fellows of Harvard College* (2023)—the Court’s decision ending race-based affirmative action—Alito asserts that

“Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” . . . And in redistricting, “where the State assumes from a group of voters’ race that they ‘think alike, share the same political interests, and will prefer the same candidates at the polls,’ it engages in racial stereotyping. . . . ([Callais](#), Majority Opinion, page 18)

In other words, Alito suggests, we have come a long way since race-based voter suppression, and we no longer need the minority protections provided by the hard-won civil rights law. To the contrary, the application of Section 2 to congressional redistricting is, in itself, tantamount to racial discrimination, since it is racist to assume that African Americans have shared political interests.

The Impact

There will be two major outcomes of the Court’s ruling. The immediate impact will be in states with large minority populations. The decision opens the way for these states’ legislatures to redraw their congressional district maps—a process formerly limited to once per decade, after new Census data became available, to [ensure equal representation](#). That convention ended in July 2025, when the White House pressured a willing Texas governor and [state](#) legislature to redraw the state’s maps to favor the Republican Party. This action was swiftly followed by California’s move to redraw its maps to favor Democrats—although, unlike Texas, California submitted its new map (via Proposition 50) to California voters, who approved it. A few states followed with similar actions, but the recent SCOTUS decision has now opened the floodgates to a [nationwide deluge of gerrymandering](#) in anticipation of the November 2026 midterm elections. As of this writing, Louisiana, Alabama, and Tennessee are redrawing their maps, impacting [primary elections](#) already under way.

Of note: Louisiana has six House representatives, and [33 percent](#) of the state’s population is Black. Of the state’s [registered voters](#), 36.5 percent are Republicans, 35.6 percent are Democrats, and 27.9 percent are Independents.

The other impact of this decision may be even more profound, since it blurs the line between the Court’s role, *interpreting* the law, and Congress’s role, *creating* the law. As attorney, law professor, and *New York Times* chief legal correspondent [Adam Liptack notes](#), the decision, in nullifying the VRA, brings into question whether the Court is now effectively legislating, which is the job of our representatives in Congress. Liptack also notes that

voting data following the earlier VRA rulings belie the Court's majority assessment that discrimination is no longer suppressing the vote:

A [recent study](#) to be published in *The Journal of Politics*, . . . [analyzed] nearly a billion votes cast in federal general elections between 2008 and 2022. It concluded that there is “significant and robust evidence” that the racial turnout gap widened in parts of the country that had been covered by the Voting Rights Act after the *Shelby County* decision, “translating to hundreds of thousands of uncast ballots by voters of color.” (“In Narrowing Voting Rights Act, Conservative Justices See Progress on Racism,” *New York Times*, April 30, 2026)

Justice Elena Kagan wrote the Court's [48-page dissenting opinion](#) and, because she so strongly opposed the Court's ruling, took the unusual step of reading a summary from the bench.

The Voting Rights Act is—or, now more accurately, was—one of the most consequential, efficacious, and amply justified exercises of federal legislative power in our Nation's history. It was born of the literal blood of Union soldiers and civil rights marchers. It ushered in awe-inspiring change, bringing this Nation closer to fulfilling the ideals of democracy and racial equality. . . . Only [Congress has] the right to say it is no longer needed—not the Members of this Court. (*Callais*, Dissenting Opinion, page 4 [PDF page 45])

Time and data will reveal the full impact of the Court's decision, but most certainly it will exacerbate our political divisions. One-third of current House members [ran unopposed](#), a polarizing trend that this ruling will accelerate. Black representation will likely decline, especially in southern states with significant African American populations. For the League of Women Voters—which is dedicated to expanding the rights of eligible voters and making it easier, not harder, to cast our ballots—the Court's ruling in *Callais* constitutes a [dismantling of the bedrock of the civil rights movement](#).

In the meantime, what is to be done? Regardless of the outcome, it is incumbent upon *all* American voters to do their job: Get informed and *vote*—in huge numbers—and support voting rights legislation such as the John R. Lewis Voting Rights Advancement Act. And as League members, we must, now more than ever, communicate the urgency of doing so.

—Chris Moose, Editor, the *Voter*