

## Shelby v. Holder

Supreme Court Chief Justice Earl Warren explained that the Voting Rights Act “was aimed at the subtle, as well as the obvious, state regulations which have the effect of denying citizens their right to vote because of race.”

**FOR YEARS, STATES** continued to chafe against the VRA. Then in 2013 came the US Supreme Court’s ruling in *Shelby County v. Holder*. Here, “Shelby” was a county in Alabama and “Holder” was Eric Holder, the nation’s first black US attorney general.

In its 5-4 Shelby decision, the High Court eviscerated the VRA.

Many of the arguments that Chief Justice John Roberts made matched those put forth for decades by VRA opponents.”

### ARGUMENT #1

The federal government had overstepped its authority. A cornerstone for this charge was Justice Hugo Black’s lone dissent in the 1966 *South Carolina v. Katzenbach* case. Black took aim at the preclearance provision. He argued that it “so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between state and federal power almost meaningless.”

### ARGUMENT #2

The VRA had been a success and so was no longer needed. Yes, the VRA had been a success. “In Mississippi, black registration went from less than 10 percent in 1964 to almost 60 percent in 1968; in Alabama, the figure rose from 24 percent to 57 percent,” stated Alexander Keyssar in *The Right to Vote*. “In the region as a whole, roughly a million new voters were registered within a few years after the bill became law, bringing African-American registration to a record 62 percent.” But remember: the VRA was effective precisely because it was a robust, muscular law.

### ARGUMENT #3

The VRA picked on the South. In 1970, Senator Strom Thurmond of South Carolina, one of the most powerful members of Congress, insisted that the VRA was “nothing more than a device created to inflict political punishment upon one section of the country.”

Such thinking totally ignored decades of Election Day terror, literacy tests, poll taxes, and white primaries. It failed to explain the fact that as late as World War II, fewer than 1 percent of age eligible blacks were registered to vote in South Carolina. It also ignored stats like this: when Thurmond uttered those infamous words in 1970, only “28 percent of blacks were registered in Thurmond’s home of Edgefield County, compared with 96 percent of whites,” Ari Berman pointed out in his book *Give Us the Ballot*.

### ARGUMENT #4:

A pernicious lie, one that hovered like a storm cloud over the VRA and became darker and more threatening as black political power grew: Voter Fraud

