

The Voting Rights Act of 1965 and racial gerrymandering

The Voting Rights Act, then and now



What is the Voting Rights Act?

The Act, signed on August 6th, 1965 by President Lyndon B. Johnson, prohibits racial discrimination in voting. The Act was geared toward African Americans, whose voting rights had been curtailed for decades by many state and local legal barriers.



What provisions did the Act include?

The Act banned the use of literacy tests, authorized the attorney-general to investigate the use of poll taxes in elections, and assigned federal examiners to oversee local and state elections, among other things.



What impact did the Act have?

Enforcement of the Act varied, but it gave African-Americans a legal route to challenge voting restrictions, and black votes increased. In Mississippi alone, black voter turnout soared from 6% in 1964 to 59% in 1969.



Controversy today: Racial gerrymandering

The Voting Rights Act prohibits gerrymandering that weakens the votes of racial groups, but the Supreme Court has also ruled that the Equal Protection Clause prevents “affirmative racial gerrymandering” – drawing jurisdiction lines to *favor* racial groups – in some cases. Though counterintuitive, this type of gerrymandering can decrease the political clout of racial groups by concentrating them in fewer districts, thus diluting their voting power in other districts.

The issue is complicated by partisan gerrymandering. Although partisan gerrymandering is constitutionally permissible, minority voters tend to support Democrats, making it possible for legislators to use partisanship as a proxy for race. States’ redistricting decisions have been challenged in court for decades, most recently in North Carolina and Virginia.

Voting Rights Act of 1965: major milestones and amendments



Sources: Adam Liptak, “Justices Reject 2 Gerrymandered North Carolina Districts, Citing Racial Bias,” NY Times, May 22, 2017; “Voting Rights Act: Timeline,” 2006, African American Voices in Congress; “Voting Rights Act,” 2009, History.com; Danielle Diaz & Ariane de Vogue, “SCOTUS sends North Carolina gerrymander case back to lower court,” CNN, Jun. 5, 2017; Robert Bares, “High court hears arguments in two redistricting cases,” Dec. 5, 2016.