The 1980s began inauspiciously for supporters of minority voting rights when a plurality of the Supreme Court ruled in City of Mobile v. Bolden (1980) that the Voting Rights Act prohibited only intentional discrimination. Yet two years later, civil rights forces, over Reagan Administration objections, amended the Act to make clear that it was meant to prohibit laws or practices that had either the intent or the effect of discriminating against people on the basis of race. The bipartisan consensus in favor of a strengthened Voting Rights Act, the explicit standards in the authoritative Senate report on the Act, and the attention and elan that the 1981-82 struggle restored to voting rights carried the movement to successes through the rest of the 1980s. At-large elections like those at issue in Bolden were declared illegal in many areas in the South and some outside it.

Even though the Supreme Court sustained attacks on at-large elections in its most important interpretation of the 1982 amendments in Thornburg v. Gingles (1986), critics such as political scientist Abigail Thernstrom and Justice Clarence Thomas harshly denounced the trend. Electoral structures, Thernstrom thought, should be overturned only in the most egregious cases of discrimination against African-Americans. Latinos, she claimed, did not suffer from enough discrimination to deserve protection. The Voting Rights Act, she announced, should never have deviated from what she asserted was its sole original intent, to protect the right to cast a ballot. In a lengthy concurrence to Holder v. Hall (1994), Justice Thomas not only agreed with Thernstrom, but also went on to argue that the amended Voting Rights Act was never intended
to apply to such electoral structures as at-large elections and redistricting, but only to guard an
individual’s right to register and vote, which he believed to be of merely symbolic importance,
anyway. Not only were Thernstrom’s and Thomas’s empirical assertions factually incorrect, but
they also failed to apply their value judgments consistently when the Supreme Court vetoed pro-
minority redistricting in *Shaw v. Reno* (1993) and its successors, decisions that threatened to
reverse many of the voting rights victories of the 1980s. See Reapportionment

In the other major voting rights development of the 1990s, the Clinton Administration
passed the National Voter Registration Act, popularly known as “Motor Voter,” which
facilitated voter registration by requiring states to register voters for federal elections in offices
that served the public, such as departments of motor vehicles and welfare and unemployment
bureaus. Fearing a surge of new lower-class, pro-Democratic voters, several Republican
governors refused to effectuate the law and unsuccessfully took it to court. By the time that the
Supreme Court rejected the challenge, it had become clear that the large number of new
registrants did not affiliate disproportionately with either major party. Estimates of additional
registration due to the NVRA ranged from 3.5 to 9 million people in 1995-96.
Bibliography


Human Serve Web Site (http://www.igc.org/humanserve/)