

The supreme court trusts America not to be racist. I don't

[Jamil Smith](#)



The Callais decision is predicated on the idea that American leaders will act justly on their own. That premise has already been proven hollow.

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Six supreme court justices handed down [a ruling](#) built, ostensibly, on the belief that the US has changed so much as to render the protections of the Voting Rights Act unnecessary. No one should be that gullible.

In 1901, the same year my great-grandfather was born, George H White [rose to address](#) the 56th United States Congress for the last time. He was a Republican congressman from North Carolina – the only Black member of the entire body. He was leaving because the state he represented had passed legislation making his re-election impossible. Reconstruction had already been undone. The powers that be had narrowed, then deferred, then erased the promise of multiracial democracy, written in the blood of Union soldiers and freed people alike.

White's farewell was not defeat. It was prophecy. "This, Mr Chairman, is perhaps the Negro's temporary farewell to the American Congress," he said, "but let me say, phoenix-like, he will rise up some day and come again." He was right. It took 64 years, [a march across a bridge in Selma](#), and a president signing the Voting Rights Act of 1965.

White's phoenix did not rise, though, because those in power could be trusted. It rose because our forebears forced America to act against its own instincts. The Voting Rights Act was not a gift or a concession. It was a constraint – imposed on a country that had proven, over a century, that it would not protect Black citizens' right to vote without one.

On Wednesday, the supreme court removed that constraint.

The [ruling in Louisiana v Callais](#) did not formally strike down section 2 of the Voting Rights Act. The statute remains. What it can do does not. But strip away the procedural language and the ruling rests on a single premise: that America has changed enough that these protections are

no longer necessary. Justice Alito wrote that “social change has occurred throughout the country and particularly in the South.” John Roberts has been making this argument since he was in Ronald Reagan’s justice department. It is the core of their position, and it deserves scrutiny.

Between 2012 and 2022, the racial turnout gap between white and nonwhite voters has [widened](#), reaching [18 percentage points](#) by 2022. The gap grew almost twice as fast in the very counties that section 5 of the Voting Rights Act once protected.

Louisiana has never elected a Black congressperson from a non-majority-Black district. Not once. The mechanism the court just destroyed is, more or less, the only reason Black representation in that state has ever existed. The court [removed the umbrella](#) and pointed to the rain as proof it was never needed. That faith is not supported by evidence. It is [contradicted by it](#).

The court has essentially ruled that unless a legislator records a confession of their own bigotry, the map is constitutional – making the only person allowed to define a racist act the person committing it. Congress understood the absurdity of this [in 1982](#), which is why legislators wrote an effects-based standard into the law. Discrimination does not announce itself. The intent standard is the cloak of the coward.

Roberts sealed the trap years ago: in [Rucho v Common Cause](#), he ruled that partisan gerrymandering is beyond federal review. Now, any map that dilutes Black voting power hides behind partisan strategy, and the courts cannot touch it. The court has achieved something more perverse still: drawing districts to protect Black voters is itself the racial discrimination. Erasing them is not.

The court’s premise – that America can be trusted – lasted less than a day. Florida [passed a new congressional map](#) within hours of the ruling, engineered to deliver Republicans four additional seats. Louisiana announced it would [delay its own primary elections](#) – with mail ballots already in voters’ hands, with early voting days away – so lawmakers could redraw lines and eliminate the majority-Black district the VRA had required. Civil rights groups including the ACLU and the NAACP [filed an emergency challenge](#) on Friday, arguing that the governor’s order is illegal and that votes already cast cannot simply be erased. Tennessee and Alabama have [signaled they intend to follow](#). Mississippi’s governor [announced a special session](#) to redistrict state supreme court seats. Trump’s former campaign manager [posted openly](#) that if states move aggressively, Republicans could hold a permanent House majority.

The cost [will not be abstract](#). As many as 30% of the Congressional Black Caucus members could lose their seats before the next presidential election. Republicans could eliminate nearly 200 state legislative seats Democrats currently hold across the South, where half of the Black American population lives. The gerrymandering [will not stop at Congress](#) – it will reach state legislatures, county commissions, school boards, every level of government where Black communities have built political power, district by district, since 1965. In the exact states where voting discrimination has been most historically violent, there may soon be no Black congressional representation at all.

Democrats may well win a House or Senate majority in November, but it is no vindication after this ruling. Unless the party regards it as preparation for a longer civil rights struggle ahead to restore the Voting Rights Act, it will be a familiar phenomenon in this country: a substitution of the appearance of progress for the thing itself.

November will not slow what they are already building behind the ruling. DHS agents [have appeared unannounced](#) at county election offices in my native Ohio, demanding voter records and registration data. Records show Doge personnel [operating under a secret agreement](#) with outside election deniers, analyzing voter rolls to overturn results in specific states. [Seventy percent](#) of the justice department civil rights division's lawyers are gone – the administration cleared them out before the ruling came down. Taken together, these developments point in the same direction: weakened protections, weakened enforcement and more pressure on the machinery of elections.

Trump was the first president in a generation elected without the full protections of the Voting Rights Act. Wednesday's ruling ensures he will not be the last.

There is a particular, bone-deep exhaustion in this moment that I must name here: the fatigue of the repetitive. Every generation of Black Americans that has clawed out a measure of progress has watched the next inherit the exact same fight, dressed in new, more polite legal jargon. We are not building upon the victories of our forebears; yet again, we must spend our lives defending and rebuilding them.

It is a staggering waste of time.

George H White told the 56th Congress that the phoenix would rise. It did – not because America wanted it to, but because people spent 64 years forcing it to. That is what the Voting Rights Act was: not a gift, not a concession, but a constraint our forebears imposed on a country that would not do right without one.

I don't trust America in that regard. I doubt I ever will. Instead, I ask what we are prepared to do about a country that has never, on its own, done the right thing.

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