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LDF Associate Director-Counsel Janai Nelson Testifies on the Consequences of *Shelby* and *Brnovich* Decisions and the Need for Federal Voting Rights Protections

Today, Janai Nelson, Associate Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF), testified before the U.S. Senate Committee on the Judiciary Subcommittee on the Constitution to underscore the significance of the Voting Rights Act (VRA), the impact of the U.S. Supreme Court's decisions in *Shelby County v. Holder* and *Brnovich v. Democratic National Committee*, and highlight the increasing need for sweeping federal legislation to protect the right to vote.

In her written testimony, Ms. Nelson explained how the VRA protected voters of color from suppressive laws and gave people the opportunity to challenge discriminatory voting legislation: “The VRA fulfilled the promise of the 15th Amendment that the right to vote should not be denied because of race, color, or previous condition of servitude, as well as the 14th Amendment’s guarantee of equal protection under the law. Its purpose was ambitious but clear: to finally ‘banish the blight of racial discrimination in voting ... In many ways, the VRA made the promise of the Civil Rights Amendments a reality and legitimized our democracy for the first time in our history. Among the most transformative of the civil rights statutes passed in the 1960s, the Voting Rights Act has been justly described as ‘the crown jewel’ of the Civil Rights Movement.”

Ms. Nelson went on to illustrate how the Supreme Court’s rulings in *Shelby* and *Brnovich* significantly weakened the two most substantial provisions of the VRA: “In *Shelby*, the Supreme Court rendered preclearance inoperative, making Section 5 of the VRA unenforceable until Congress enacts a new coverage provision to identify the covered jurisdictions... [The decision] allowed state and local governments to unleash discriminatory voter suppression schemes virtually unchecked.”

Ms. Nelson wrote of *Brnovich*: “The decision improperly and illogically departs from the plain text of Section 2, ignores settled precedent, and severely curtails the broad application of Section 2 that Congress intended, thus making it more difficult and burdensome to ensure that every eligible citizen able to freely exercise their right to vote.”

Ms. Nelson also called out the unsustainable model of relying on civil rights groups to challenge the overwhelming amount of suppressive voting laws that have been enacted since *Shelby* and continue to multiply: “The celebrated turnout and registration rates among Black voters occurred despite a litany of unequal obstacles and because of the Herculean efforts by civil rights groups, organizers, and activists, and the sheer determination and resilience of Black voters. This model is not sustainable. Nor is it acceptable or lawful. Black voters’ ability to overcome unequal burdens does not diminish the fact that those burdens exist. And, our Constitution does not countenance two systems of voting in this country—one in which Black and other marginalized voters require an independent, non-governmental apparatus to exercise the fundamental right to vote while white voters do not.”

LDF urges Congress to enforce the promise of an equal right to vote for all and employ the full force of its authority to protect American voters from the extraordinary harm of denying or diminishing their right to vote.

“It is past time for Congress to fulfill its constitutional duty to the American people by once again taking up the charge of eradicating racial discrimination in voting and by renewing its commitment to protecting and strengthening the fundamental right to vote,” Ms. Nelson concluded.

Read Ms. Nelson’s full written testimony [here](#).

Read Ms. Nelson’s oral testimony [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).