

# Supreme Court steps up attacks on democratic rights

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The U.S. Supreme Court continues its charge to the right, with a decision that further guts the Voting Rights Act, and oral arguments on ending Temporary Protected Status for Haitian and Syrian immigrants, in which a majority of justices seemed ready to uphold the action of the Trump administration that could lead to the deportation of more than a million legal immigrants.

The decision in *Louisiana v Callais*, the 6-3 ultra-right majority struck down redistricting of the state's congressional seats which created a second black-majority district, now occupied by Representative Cleo Fields. The court ordered the state to redraw the map without using race as the major factor.

The decision is the culmination of a nearly two-decade assault on the Voting Rights Act, which was adopted in 1965 to put an end to longstanding suppression of black voters' democratic rights, mainly in the Southern US states dominated by segregation.

In an earlier decision, *Shelby v Holder*, the court struck down Section 5 of the Voting Rights Act, which provided for federal oversight and preclearance of election law changes in states with a long history of discrimination. Chief Justice John Roberts, who wrote that decision, claimed that so much progress had been made in the South that federal oversight was no longer required.

The much less effective individual oversight of the states provided for in Section 2—through expensive lawsuits filed in the federal courts—was claimed to be the remaining enforcement power, but now this too has been gutted. While the decision handed down by Justice Samuel Alito did not strike down Section 2, it rendered it a dead letter, finding that plaintiffs had to prove intent to discriminate in the minds of state officials, not merely show that the results of state action were discriminatory.

The court's three moderate liberals signed a dissent written by Justice Elena Kagan which strongly attacked the majority ruling, calling it the "demolition of the Voting Rights Act." The text of the Voting Rights Act and previous court precedent strongly support Kagan's dissent, but her

argument remains mired in racial politics. She declares that black voters constitute a racial community and should be allowed to elect "their" representatives—i.e., black congressmen.

As with affirmative action, there is a right-wing critique of the racial identity politics of the Democratic Party—the blatant racism of Trump and his fascist cabal—and a left-wing critique, the fight for the unity of the working class, waged by the Socialist Equality Party.

The SEP opposes the claim by the Democrats that black workers are appropriately represented by black capitalists and multi-millionaires. More than a half century of experience with the advancement of black mayors, congressmen, CEOs and the first black president, the imperialist war criminal Barack Obama, show beyond any doubt that the class divisions within capitalist society are far more significant than the racial divisions.

The civil rights struggles of the 1950s and 1960s produced lasting gains in terms of democratic rights and the ability of the working class to overcome the racial divisions exploited by right-wing demagogues like George Wallace. Interracial marriages now number in the millions, and the children of such marriages are many millions more.

What is required to defend these gains is the mobilization of the working class against the capitalist system as a whole, based on political independence from all sections of the capitalist class, including the black Democratic politicians who invariably side with the billionaires and the military-intelligence apparatus against the working class.

The most immediate effect of the Supreme Court ruling will be to damage the prospects of the Democratic Party in the midterm elections set for November 5. Hence the outcry from the congressional Democrats and the sections of the corporate media aligned with them.

Republican state legislatures in Louisiana, Alabama and other states where a handful of minority districts have been carved out—in large measure to guarantee Republican control of the remaining, much more numerous, districts—are expected to redraw lines to eliminate even that handful,

affecting as many as 12 Democratic-held seats by one estimate.

Some states will be unable to redraw the boundaries in time, so the impact on the 2026 vote remains uncertain. Given the poll numbers showing a likely large swing to the Democrats, it is entirely possible that the rigging of district lines will backfire on the Republicans, causing them to lose the larger number of marginal seats that gerrymandering will create.

The two main capitalist parties have been engaged in a gerrymandering war for nearly a year, since Trump demanded that Texas break precedent and redraw its boundaries in the middle of the decade, rather than after the decennial census, as has been the tradition for two centuries.

While Republicans redrew district maps in Texas, North Carolina, Tennessee and Ohio, the Democrats did the same in California, New York, New Jersey and Virginia. This week Florida adopted a map that would supposedly shift four seats from the Democrats to the Republicans.

The entire process demonstrates the sclerotic character of capitalist democracy in America, which has been fatally undermined by deepening social inequality. Both parties defend the interests of a few thousand billionaires, bankers and corporate CEOs, who control the economy, the media, and the government, but live in constant fear of a movement from below, from a vast working class majority.

While the Voting Rights Act ruling captured the headlines, oral arguments held the same day suggest that an even more ominous and anti-democratic ruling is imminent. Two cases are being consolidated, *Trump v Miot*, which challenges the termination of Temporary Protective Status for 365,000 Haitian refugees, and *Mullin v Doe*, which does the same for 6,000 Syrian refugees.

The TPS cases were heard on the final day of oral arguments for this term, so the decision is not likely to be announced until late June or early July. The plaintiffs, individual TPS holders, Haitians and Syrians, challenged the decision by Secretary of Homeland Security Kristi Noem to revoke their status. The precedent set would apply to more than one million immigrants from many other countries who presently have legal status under TPS which the White House wants to revoke.

As the oral arguments proceeded, four right-wing justices were largely silent, seeming to agree with Trump, while the three moderate liberals were clearly opposed. Chief Justice John Roberts and Justice Amy Coney Barrett questioned both Solicitor General John Sauer and the plaintiffs' lawyers but seem likely to side with the anti-immigrant bigot in the White House when a decision is finally rendered.

Solicitor General Sauer argued for absolute executive authority over TPS determinations, saying that the federal

courts had no jurisdiction over decisions made by the Department of Homeland Security, according to the law which established TPS procedures.

The plaintiffs concede that the 1990 law establishing TPS gives the secretary unreviewable power to make a final decision, but point to the requirement that the government follow a consultative process, making an assessment of the conditions that prevail in a particular country before revoking TPS. Noem, who was fired by Trump in February, simply announced the decision on Trump's orders, without any consultation at all.

Even if the court finds for the plaintiffs, this would only delay the mass deportation, since the DHS will go through the pretense of consultation, and then obey Trump's predetermined decision, issuing the order to leave the country.

Haitian immigrants were first granted TPS status in 2010, after the earthquake that killed 300,000 and leveled much of the impoverished country, the poorest in the Western Hemisphere. TPS has been repeatedly extended, as security conditions have collapsed and armed gangs, in the pay of the tiny Haitian elite, effectively rule the country.

Syrian refugees received TPS after civil war broke out in the country in 2011, instigated by the CIA and Saudi Arabia. It was extended several times as the conflict ebbed and flowed, and again after the 2023 earthquake which hit northern Syria and adjacent portions of Turkiye, killing 60,000. After the ouster of longtime ruler Bashar al-Assad, an ally of Russia, the country is now ruled by an offshoot of Al Qaeda, Hay'at Tahrir al-Sham, whose leader Ahmed al-Sharaa was welcomed at the White House earlier this year.



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