

in that period by obtaining the approval of the Attorney General or a three-judge court in the District of Columbia.<sup>55</sup>

The Supreme Court upheld and expansively applied these laws. In *United States v. Mississippi*,<sup>56</sup> it held that the Attorney General was properly authorized to sue for preventive relief to protect the right of citizens to vote, that the state could be sued, and that various election officers were defendants and the suit could not be defeated by the resignation of various officers. In *Louisiana v. United States*,<sup>57</sup> the Court upheld a lower federal court's judgment voiding an "interpretation test" that required an applicant to interpret a section of the state or federal constitution to the satisfaction of the voting registrar. The test was unconstitutional because it vested vast discretion in the registrars to determine qualifications, it imposed no definite and objective standards for administration of the tests, and it had been administered so as to disqualify African-Americans and qualify whites. The Court also affirmed the lower court's decree invalidating imposition of a new objective test for new voters unless the state required all present voters to reregister so that all voters were tested by the same standards.

But, it was in upholding the constitutionality of the 1965 Act in *South Carolina v. Katzenbach* that the Court sketched in the outlines of a broad power in Congress to enforce the Fifteenth Amendment.<sup>58</sup> Although § 1 authorized the courts to strike down state statutes and procedures that denied the vote on the basis of race, the Court held, § 2 authorized Congress to go beyond proscribing certain discriminatory statutes and practices to "enforcing" the guarantee by any rational means at its disposal. The standard was the same as that used under the "necessary and proper" clause supporting other congressional legislation. Congress was therefore justified in deciding that certain areas of the nation were the primary locations of voting discrimination and in directing its remedial legislation to those areas. Congress chose a rational formula based on the existence of voting tests that could be used to discriminate and based on low registration or voting rates demonstrating the likelihood that the tests had been so used; it could properly suspend for a period all literacy tests in the affected areas upon findings that they had been administered discriminatorily and that illiterate whites had

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<sup>55</sup> The Act also provided for the appointment of federal examiners who could register persons meeting nondiscriminatory state qualifications who then must be permitted to vote.

<sup>56</sup> 380 U.S. 128 (1965).

<sup>57</sup> 380 U.S. 145 (1965). See also *United States v. Thomas*, 362 U.S. 58 (1960); *United States v. Alabama*, 362 U.S. 602 (1960); *Alabama v. United States*, 371 U.S. 37 (1962).

<sup>58</sup> 383 U.S. 301 (1966).