

Title: Nixon v. Condon

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Nixon v. Condon

1932: U.S. SUPREME COURT decision following NIXON V. HERNDON which struck down language in the Democratic Party's resolution that only white Democrats were qualified to vote in primary elections.

After the Supreme Court struck down a Texas law barring AFRICAN AMERICANS from voting in Democratic Party primary elections in NIXON V. HERNDON (1927), the Texas legislature enacted aPage 668 | [Top of Article](#) new law that allowed political parties to prescribe their own qualifications for membership, provided they did not arbitrarily discriminate against anyone. Consequently, the state Democratic Party adopted a resolution that permitted only whites to vote in its primary elections. Dr. Lawrence A. Nixon, a black Democrat of El Paso, Texas, was thus again kept from voting at a primary because of his race. Nixon challenged the party's resolution on the grounds that it violated his FOURTEENTH AMENDMENT rights to equal protection under the law.

In its ensuing decision in *Nixon v. Condon*, the Supreme Court split, 5-4, on the issue of whether a political party was an agent of the state. The defendants in the case argued that the Fourteenth Amendment applied only to states, not to political parties that were private, volunteer associations. In support of the defendants, the minority on the Court reasoned that activities relating to primary elections fell within the private domain of political parties. The majority, however, disagreed, finding the Texas law amounted to a delegation of state power to the executive committee of the Democratic Party. Therefore, the committee's policy of excluding African Americans from voting in party primaries was state action and prohibited by the Fourteenth Amendment. The question that remained open was whether political parties themselves had the right to set membership requirements.

—Angelyque P. Campbell

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