

U.S.

Supreme Court Rules Against Alabama in Redistricting Case

By ADAM LIPTAK MARCH 25, 2015

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WASHINGTON — The Supreme Court on Wednesday sided with black and Democratic lawmakers in Alabama who said the State Legislature had relied too heavily on race in its 2012 state redistricting by maintaining high concentrations of black voters in some districts.

The vote was 5 to 4, with Justice Anthony M. Kennedy joining the court's four more liberal members to form a majority.

Justice Stephen G. Breyer, writing for the majority, said a lower court had erred in considering the case on a statewide basis rather than district by district. He added that the lower court had placed too much emphasis on making sure that districts had equal populations and had been "too mechanical" in maintaining existing percentages of black voters.

The Supreme Court vacated the lower court's ruling and sent the two consolidated cases — Alabama Legislative Black Caucus v. Alabama, No. 13-895, and Alabama Democratic Conference v. Alabama, No. 13-1138 — back to it for reconsideration.

Richard L. Hasen, an expert on election law at the University of California, Irvine, said Wednesday's decision might represent only a short-term victory for the plaintiffs.

"It seems likely on remand that at least some of Alabama's districts will be found to be racial gerrymanders," he wrote in a blog post. "This means that some of these districts will have to be redrawn to 'unpack' some minority voters from these districts."

“But do not be surprised,” he continued, “if Alabama pre-empts the lawsuit by drawing new districts which are less racially conscious but still constitute a partisan gerrymander which helps the Republicans have greater control over the Alabama legislative districts.”

In dissent, Justice Antonin Scalia said the decision was “a sweeping holding that will have profound implications for the constitutional ideal of one person, one vote, for the future of the Voting Rights Act of 1965, and for the primacy of the state in managing its own elections.”

Chief Justice John G. Roberts Jr. and Justices Clarence Thomas and Samuel A. Alito Jr. joined the dissent.

The 2012 maps were challenged by the Alabama Legislative Black Caucus, the Alabama Democratic Conference and other plaintiffs. They said Republican state legislators had engaged in “racial gerrymandering” by paying too much attention to making districts almost identical in population and by making sure that substantial black majorities in existing districts were not even slightly diminished.

In defending the legislative maps, state officials have said they had to maintain the high concentrations to comply with Section 5 of the federal Voting Rights Act, which they said barred any diminution of the black population in particular districts. The Supreme Court effectively struck down Section 5 in 2013.

A divided three-judge Federal District Court panel ruled that the redistricting plan was lawful. Judge William H. Pryor Jr., writing for the majority, said that black voters in Alabama were politically active and had been successful in electing their favored candidates.

In dissent, Judge Myron H. Thompson said “there is a cruel irony to these cases” in light of the Supreme Court’s 2013 decision.

“Even as it was asking the Supreme Court to strike down” part of the Voting Rights Act, Judge Thompson wrote, “the state of Alabama was relying on racial quotas with absolutely no evidence that they had anything to do with current conditions, and seeking to justify those quotas with the very provision it was helping to render inert.”