Shaw v. Reno, 509 U.S. 630 (1993)

Condensed Case

The Big Picture

Courts will closely scrutinize states that redraw voting district lines and create unusually shaped majority-Black or majority minority districts.

Ruling

Voting districts so irregular in shape that they can only be explained based on racial considerations violate the Fourteenth Amendment's Equal Protection Clause, even if the purpose was to increase minority voters' ability to elect a candidate of their choice.

Constitutional Text

The Fourteenth Amendment Equal Protection Clause reads: *No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor*

OPINION OF THE COURT:

[*Note: Merriam-Webster defines "reapportionment" as the process or result of making a new proportionate division or distribution of something; within U.S. Law, the reassignment of representatives proportionally among the states in accordance with changes in population distribution.*]

This case involves two of the most complex and sensitive issues this Court has faced in recent years: the meaning of the constitutional "right" to vote, and the propriety of race-based state legislation designed to benefit members of historically disadvantaged racial minority groups. As a result of the 1990 census, North Carolina became entitled to a 12th seat in the United States House of Representatives. [As a result, the North Carolina legislature redrew the congressional voting district lines in the state, which included creating a majority-black congressional district.] The Voting Rights Act of 1965 requires jurisdictions with a history of discrimination to submit changes in a "standard, practice, or procedure with respect to voting" to the U.S. Attorney General for approval. The Attorney General objected to North Carolina's new districting plan. In response, the state redrew its district lines and created a second majority-black district. [Plaintiffs in this case] allege that the revised plan, which contains district boundary lines of dramatically irregular shape, constitutes an unconstitutional racial gerrymander.

The voting age population of North Carolina is approximately 78% white, 20% black, and 1% Native American; the remaining 1% is predominantly Asian. The black population is relatively dispersed; blacks constitute a majority of the general population in only 5 of the State's 100 counties. The largest concentrations of black citizens live in the Coastal Plain, primarily in the northern part. The General Assembly's first redistricting plan contained one majority-black district centered in that area of the State.

The Attorney General specifically objected to the configuration of boundary lines drawn in the south-central to southeastern region of the State. In the Attorney General's view, the General Assembly could have

deny to any person within its jurisdiction the equal protection of the laws.

Dissenting Opinion

"[L]ike bloc-voting by race, [the racial composition of geographic area] too is a fact of life, well known to those responsible for drawing electoral district lines. These lawmakers are quite aware that the districts they create will have a white or a black majority; and with each new district comes the unavoidable choice as to the racial composition of the district."

Redistricting plans also reflect group interests and inevitably are conceived with partisan aims in mind. To allow judicial interference whenever this occurs would be to invite constant and unmanageable intrusion.

[W]e must ask whether otherwise permissible redistricting to benefit an underrepresented minority group becomes impermissible when the minority group is defined by its race. The Court today answers this question in the affirmative, and its answer is wrong. If it is permissible to draw boundaries to provide adequate representation for rural voters, for union members, for Hasidic Jews, for Polish Americans, or for Republicans, it necessarily follows that it is permissible to do the same thing for members of the very minority group whose history in the United States gave

created a second majority-minority district "to give effect to black and Native American voting strength in this area" by using boundary lines "no more irregular than [those] found elsewhere in the proposed plan," but failed to do so for "pretextual reasons."

The first of the two majority-black districts contained in the revised plan, District 1, is somewhat hook shaped. Centered in the northeast portion of the State, it moves southward until it tapers to a narrow band; then, with finger-like extensions, it reaches far into the southern-most part of the State near the South Carolina border.

The second majority-black district, District 12, is even more unusually shaped. It is approximately 160 miles long and, for much of its length, no wider than the [Interstate 85 corridor]. Of the 10 counties through which District 12 passes, 5 are cut into 3 different districts; even towns are divided.

[Plaintiffs] contended that the General Assembly's revised reapportionment plan violated several provisions of the United States Constitution, including the [Equal Protection Clause of the] Fourteenth Amendment. They alleged that the General Assembly deliberately "create[d] two Congressional Districts in which a majority of black voters was concentrated arbitrarily—without regard to any other considerations, such as compactness, contiguousness, geographical boundaries, or political subdivisions" with the purpose "to create Congressional Districts along racial lines" and to assure the election of two black representatives to Congress.

What [plaintiffs] object to is redistricting legislation that is so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles and without sufficiently compelling justification.

The Equal Protection Clause provides that "[n]o State shall ... deny to any person within its jurisdiction the equal protection of the laws." Laws that explicitly distinguish between individuals on racial grounds fall within the core of that prohibition.

These principles apply not only to legislation that contains explicit racial distinctions, but also to those "rare" statutes that, although race neutral, are, on their face, "unexplainable on grounds other than race."

[Plaintiffs] contend that redistricting legislation that is so bizarre on its face that it is "unexplainable on grounds other than race," demands the same close scrutiny that we give other state laws that classify citizens by race. Our voting rights precedents support that conclusion.

birth to the Equal Protection Clause.

The Court offers no adequate justification for treating the narrow category of bizarrely shaped district claims differently from other districting claims.

A reapportionment statute typically does not classify persons at all; it classifies tracts of land, or addresses. Moreover, redistricting differs from other kinds of state decisionmaking in that the legislature always is *aware* of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors. That sort of race consciousness does not lead inevitably to impermissible race [discrimination].

[But i]n some exceptional cases, a reapportionment plan may be so highly irregular that, on its face, it rationally cannot be understood as anything other than an effort to "segregat[e] ... voters" on the basis of race.

A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid. It reinforces the perception that members of the same racial group—regardless of their age, education, economic status, or the community in which they live—think alike, share the same political interests, and will prefer the same candidates at the polls. We have rejected such perceptions elsewhere as impermissible racial [stereotypes].

The States certainly have a very strong interest in complying with federal antidiscrimination laws that are constitutionally valid as interpreted and as applied. But in the context of a Fourteenth Amendment challenge, courts must bear in mind the difference between what the law permits and what it requires.

Today we hold only that appellants have stated a claim under the Equal Protection Clause by alleging that the North Carolina General Assembly adopted a reapportionment scheme so irrational on its face that it can be understood only as an effort to segregate voters into separate voting districts because of their race, and that the separation lacks sufficient justification.