

# Supreme Court blocks districts based on race

7-1 vote sends issue of targeting blacks in Va. voting districts back to panel for new criteria

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**WASHINGTON** The Supreme Court dealt another blow Wednesday against the use of race in drawing election districts, demanding further review of 11 state legislative districts that Virginia Republicans designed to ensure that 55% of eligible voters were black.

The 7-1 ruling was at least a temporary victory for Democrats who challenged 12 districts drawn after the 2010 Census by the GOP-led state Legislature. They argued that the maps were drawn to pack more blacks than necessary into those districts, in order to give Republicans the advantage in surrounding districts.

Justice Anthony Kennedy wrote in his opinion that districts can be held unconstitutional “if race for its own sake is the overriding reason for choosing one map over others” — even if the districts meet traditional redistricting criteria, such as compactness. Justice Clarence Thomas dissented in part.

The high court did not settle the issue. The justices sent the case back to a three-judge trial court with instructions to use different criteria to determine whether the Legislature violated the Constitution by setting racial targets. They upheld a 12th district as having 55% black voters for legitimate reasons.

The justices did not rule on a similar case from North Carolina heard the same day in December, in which Democratic challengers said two congressional districts were drawn with the same intent — to pack African Americans into some districts so that others would be safer for Republicans. That decision could come soon.

Democratic Party attorney Marc Elias heralded the Virginia ruling as a “major victory.” In a briefing a day earlier, he said the two cases “could further the trend of courts cracking down on racial gerrymandering.”

But the justices did not go that far. They sent the case back so a trial court panel can decide if race was the predominant motive for the design of the 11 districts.

The Voting Rights Act of 1965 requires states to draw districts that enable African Americans to elect their chosen representatives, lest blacks not form a majority anywhere. Two decades ago, Democrats used the law to demand “majority-minority” districts. But after Republicans took over many state legislatures in 2010, they began drawing districts with what critics claim are more African Americans than necessary.

The Virginia case involves 12 House of Delegates districts in the central and southern part of the state that were drawn to include a minimum of 55% black voters. A federal district court panel upheld the lines.