

13-1138 ALABAMA DEMOCRATIC CONFERENCE V. ALABAMA

DECISION BELOW: 2013 WL 6925681

LOWER COURT CASE NUMBER: 2:12-cv-691, 2:12-cv-1081

QUESTION PRESENTED:

This appeal in a legislative redistricting case presents issues of law in regard to how a State may rely on race in setting district boundaries. It is undisputed that the State had, among its chief goals, the idea that when possible it would redraw each majority--black district to have the same percentage of black population as the district would have had using 2010 census data as applied to the former district lines. This goal, particularly when combined with the new goal of significantly reducing population deviation among districts, led the State to stark racial intentionality in district-drawing, packing more super-majorities of black voters into already-majority-black districts, without regard to whether such efforts were actually necessary in each district to allow black voters to elect candidates of their choice. A divided three-judge District Court rejected the challenge to this map. This appeal presents issues summarized as follows:

1(a). Whether, as the dissenting Judge concluded, this effort amounted to an unconstitutional racial quota and racial gerrymandering that is subject to strict scrutiny and that was not justified by the putative interest of complying with the non-retrogression aspect of Section 5 of the Voting Rights Act?

1(b). Whether these plaintiffs have standing to bring such a constitutional claim?

2. Whether aspects of the State's map also violated both the purpose and results tests of Section 2 of the Voting Rights Act and the 14th Amendment, through the systematic dilution of minority voting strength and by the elimination of certain majority-minority districts?

PROBABLE JURISDICTION NOTED LIMITED TO QUESTION 2 PRESENTED BY THE STATEMENT AS TO JURISDICTION IN 13-895 AND QUESTION 1 PRESENTED BY THE STATEMENT AS TO JURISDICTION IN 13-1138.

CONSOLIDATED WITH 13-895 FOR ONE HOUR ORAL ARGUMENT.

JURISDICTION NOTED 6/2/2014