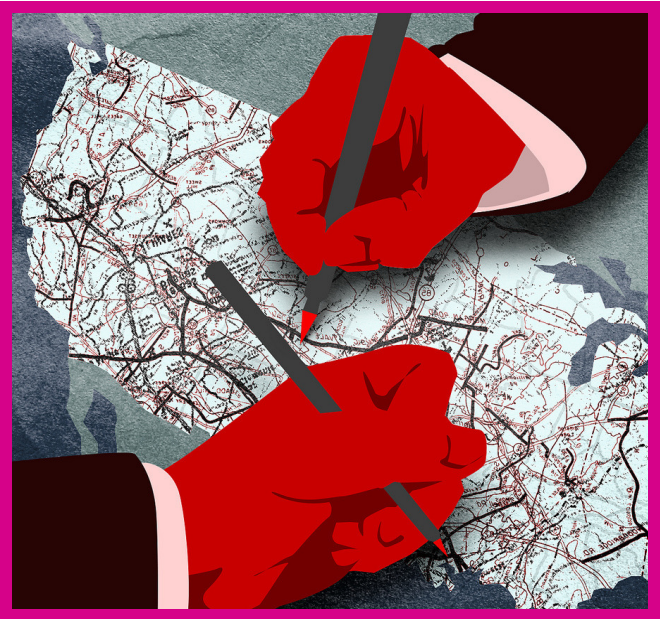


# WHAT IS RACIAL GERRYMANDERING?

Racial gerrymandering is a political practice that dilutes the voting power of racial minorities as a method of voter suppression. Gerrymandering (racial or otherwise) is conducted to provide an unfair advantage to a particular candidate or party. There are two methods used in gerrymandering, colloquially referred to as ‘cracking’ and ‘packing.’ **Cracking** refers to the process of splitting up voters into disparate districts to dilute their vote. **Packing** concentrates the vote of a particular group into a singular district thereby ensuring that they have fewer representatives in office.



In addition to being unconstitutional, racial gerrymandering also provides a heightened barrier of access for voters in packed districts. Districts that have been deemed majority-minority are understaffed on voting days, have workers who are poorly trained on voting procedures, utilize faulty or broken machinery, and—most often—have longer lines to vote. Racial gerrymandering has appeared across the country in major cities like New York, Detroit, and Miami. However, it is most pervasive and apparent in southern states of the U.S. such as North Carolina, Virginia, Texas, Georgia, and Alabama.

Racial gerrymandering has increased following the Supreme Court’s ruling in *Shelby V. Holder* in 2013. The *Shelby* case firmly concluded that states were no longer required to obtain explicit federal permission to change their voting laws. This process—which was initially set in place to combat rampant cases of racial voter suppression during the Civil Rights Era—was no longer a barrier, giving way for legislation that explicitly discriminates against racial minorities and progressive voters.

## Why Racial Gerrymandering Matters

Racial gerrymandering often privileges predominantly white communities and Republican majority legislatures. States dominated by a Republican supermajority are areas where gerrymandering is the most rampant. These are areas that have pockets of Democratic voters, but maintain a Republican majority. Racial gerrymandering is glaringly apparent when there is a stark imbalance in represented demographics. For example, North Carolina’s only three Democratic districts are predominantly Black and Latino, while their Republican districts are predominantly White (over 65%). The same can be said for Mississippi, Alabama, and South Carolina.

# Current State of Racial Gerrymandering

Over the past two years gerrymandering cases have moved to the forefront with a number of social justice organizations taking on state cases of racial and partisan gerrymandering. Here are a few of the most prominent cases:

## **TEXAS, *Abbott v. Perez***

In 2011, Republican State Legislatures in Texas 'redrew' the voting districts, particularly affecting Districts 27 and 35. Democrats disputed the redrawn districts arguing that they were intentionally drawn to 'pack in' Latinx voters and thereby dilute their growing electoral power in the state.

In March 2017, federal judges ruled that Republican legislators engaged in gerrymandering on racial lines. This was then validated in August 2017 when judges asserted that District 27's new boundaries "intentionally deprived [Latino voters] of their opportunity to elect a candidate of their choice" and that District 35 was guilty of an "impermissible racial gerrymander." This lawsuit resulted in a 107 page ruling and set up an urgent need to redraw districts for the 2018 elections.

But in September 2017, a 5-4 Supreme Court ruling found that Texas did not have to redraw its congressional maps in time for the 2018 elections. In short, they found that Texas was guilty of gerrymandering but did have to change their district lines before the 2018 election. Thus, the GOP secured their majority in Texas and ensured that the Latinx vote will have little impact on Texas' overall political representation.

## **WISCONSIN, *Gill v. Whitford***

In 2011, Republican legislators in Wisconsin redrew the state Assembly districts based on 2010 census data. The mapmakers created a model to evaluate voter partisanship and utilized this to propose districts for the state, scaling the likelihood of a Republican win. Using this 'map', it was determined that the GOP could expect to win 59 assembly seats. The new redistricting map was confirmed and approved in August 2011 and had a drastic impact on the 2012 election results. Republicans gained 60 percent of the seats while only receiving 49 percent of the statewide vote.

In 2015, the Western District of Wisconsin filed a suit arguing that the redrawn districts were a blatant attempt at partisan gerrymandering. The case was heard in 2016, and in November of that year a federal panel declared the map unconstitutional based on a newly developed, three-prong test of gerrymandering. This was thought to be a successful win for democracy and the state of Wisconsin.

However, following the ruling the state decided to appeal the decision to Supreme Court of the United States (SCOTUS). In June 2017, the SCOTUS agreed to hear the case, making it the first partisan gerrymandering case heard by the SCOTUS in U.S. history. The decision for the case is expected by June 2018.

# **VIRGINIA, *Bethune Hill v. Virginia State Board of Elections***

On March 1st, 2017 the SCOTUS ruled in a 6-2 decision confirming that a three-judge panel had applied the wrong legal standard to reach its conclusion that race had not predominated the drawing of the 11 challenged districts in the case of Bethune Hill. Simply put: the SCOTUS could not prove that the North Carolina GOP members used race to redraw their districts, but they couldn't refute it either. The case was sent back to the lower courts for further review.

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