LDF FILES AMICUS BRIEF IN GILL V. WHITFORD CHALLENGING WISCONSIN PARTISAN GERRYMANDERING SCHEME

On Friday, September 1, 2017, LDF filed an amicus curiae brief in Gill v. Whitford. The Supreme Court’s decision on Whitford could impact redistricting efforts nationwide, including the redistricting that will be done at all levels of government after the 2020 Census. The case, on appeal from the District Court for the Western District of Wisconsin, concerns the limits on partisan gerrymandering.

“Members of both major political parties have used the redistricting process to retain or enhance their parties’ grip on power and subordinate the political power of voters who support the opposing party. Many of these redistricting schemes have had severely detrimental consequences on the ability of Black, Latino, and other voters of color to participate fully in the democratic process and elect their candidates of choice,” said Janai Nelson, LDF Associate Director-Counsel.

“Whitford is an extremely important case because it has the potential to set a new standard for partisan gerrymandering claims that will enable minority communities to address these concerns without compromising the ability to also challenge racially-gerrymandered districts.”

The Supreme Court has already determined that partisan gerrymandering is a type of action that a federal court can hear. But what the Court has yet to do is to accept a standard by which a court can determine such a plan to be unconstitutional.

“The Supreme Court has repeatedly recognized that there are places in our country where race and party affiliation are deeply intertwined,” said Leah C. Aden, LDF Senior Counsel. “The Supreme Court has recognized that when elected officials use partisan affiliation with the intent or effect of diluting minority voting power, or manipulate the power of minority voters to achieve partisan outcomes—both types of schemes can be unconstitutional.”

Aden continued, “Thus, the pursuit of extreme partisan gerrymanders throughout our country continues to impact minority representation in the political process, a reality for which LDF is on guard.”

The Voting Rights Act of 1965 (VRA) has been one of the most effective tools for protecting and expanding minority voting rights in this country for 52 years. The VRA does not stand in conflict with a cause of action for partisan gerrymandering. And, in certain cases, as the amicus brief makes clear, a partisan gerrymandering claim can also protect minority voters.
“While the Supreme Court considers a standard to protect against invidious partisanship in redistricting, our brief reminds the Court that it should do so without undermining critical protections for minority voters like the Voting Rights Act,” Samuel Spital, LDF’s Director of Litigation, said.


Oral arguments will be heard before the Supreme Court on October 3.

Read the full brief here.

###

*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*