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## **Five Years After Shameful Voting Rights Act Decision, U.S. Supreme Court Again Fails to Protect Americans from Racially Discriminatory Electoral Maps**

The U.S. Supreme Court today [permitted](#) Texas to continue using electoral maps that a three-judge lower court had unanimously found were tainted by intentional racial discrimination against Latino and Black voters and diluted minority voting strength. Today's decision comes exactly five years after the Supreme Court decided [Shelby County, Alabama v. Holder](#), which immobilized a core Voting Rights Act (VRA) protection, Section 5, and as reflected by today's outcome, left millions of voters of color in Texas and across the country less protected from racial discrimination in voting.

The Texas maps in question were implemented in 2013, after a federal court had rejected the State's 2011 maps under Section 5. As Justice Sonia Sotomayor explained in a dissenting opinion, "discriminatory motive permeated the entire 2011 redistricting process." The lower court found that the 2013 maps carried forward significant elements of the discrimination from the 2011 process, but a sharply divided Supreme Court disagreed.

The decision in [Abbott v. Perez](#) underscores how difficult and costly it is now—since *Shelby* decimated Section 5—to fix discriminatory electoral maps even when a legislature is found to have committed intentional discrimination against voters of color. The decision allows legislators in Texas to continue using a map that incorporated large parts of a prior map motivated by intentional discrimination and offers no significant judicial consequences for such intentional discrimination.

The NAACP Legal Defense Fund ([LDF](#)) joined an [amicus brief](#) in April 2018 filed with the Campaign Legal Center and the Lawyers' Committee for Civil Rights Under Law, urging the Court to uphold the lower court's ruling and make clear that interim remedial redistricting maps, such as those that have been in place in Texas since 2013, are not the final and full remedies to which victims of intentional racial discrimination are entitled.

**"This Supreme Court decision sends a message to lawmakers across the country that they can evade their obligations to cure racially**

**discriminatory election maps,”** said [Sherrilyn Ifill](#), LDF President and Director-Counsel. **“Today’s ruling lets lower courts and lawmakers shirk their responsibility to uproot racial discrimination embedded in electoral maps. This decision will not discourage us from continuing to challenge racial discrimination in the districting process using all available tools and ensuring that every vote matters.”**

Following the 2010 Census and in response to the ever-growing minority population in Texas, the State legislature passed congressional and state legislative maps that intentionally discriminated against Black and Latino voters and diluted minority voting strength. In 2011, a series of lawsuits were filed challenging the maps as unconstitutional and in violation of the VRA.

Lower courts ruled that the lines discriminated against voters of color, and a three-judge panel eventually approved remedial interim maps, pending a final and full remedy to address racial discrimination in the legislative boundary lines. The panel expressly stated that the interim maps were not intended to provide relief for all of the VRA and constitutional claims brought by plaintiffs. As Justice Sotomayor explained in her dissenting opinion, the lower trial court plausibly found that Texas lawmakers adopted the interim maps in a strategic and deliberate attempt to maintain as many aspects of the discriminatory 2011 redistricting maps as possible, while evading any further constitutional challenges by claiming that the maps were court approved.

In a dissenting opinion, Justice Sotomayor detailed the majority of the Court’s “disregard of both precedent and fact,” and recognized that it “comes at serious costs to our democracy.” Justice Sotomayor also wrote:

*“[It] means that, after years of litigation and undeniable proof of intentional discrimination, minority voters in Texas—despite constituting a majority of the population within the State—will continue to be underrepresented in the political process. Those voters must return to the polls in 2018 and 2020 with the knowledge that their ability to exercise meaningfully their right to vote has been burdened by the manipulation of district lines specifically designed to target their communities and minimize their political will. The fundamental right to vote is too precious to be disregarded in this manner.”*

**“In the first instance, elected lawmakers must be compelled to enact redistricting maps that are fair and free of racial discrimination; and when they don’t, lawmakers must be compelled to eliminate that racial discrimination root and branch, particularly when redistricting is done with racially discriminatory intent,”** said [Leah Aden](#), LDF Senior Counsel. **“Substantial evidence in this case proved that lawmakers acted with a racially discriminatory purpose and to dilute minority voting strength in**

**Texas, and the remedial interim maps did not fully correct the discrimination embedded in the maps. We are truly disappointed by today’s ruling, which is especially sobering as it comes five years to the date after the court’s decision in *Shelby County, Alabama v. Holder*.”**

Read the full Opinion [here](#).

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*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.*