

U.S. Supreme Court Will Hear Appeal in South Carolina Redistricting Case That Held State Gerrymandered Black Voters

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WASHINGTON — The U.S. Supreme Court today said it will hear an appeal to a ruling that ordered South Carolina to redraw its congressional map because the state's Congressional District 1 discriminated against Black voters on the basis of race.

The Legal Defense Fund (LDF), American Civil Liberties Union (ACLU), ACLU of South Carolina, and Arnold & Porter challenged the map on behalf of the South Carolina State Conference of the NAACP and an individual voter, Taiwan Scott.

In January 2023, a unanimous federal three-judge panel ordered South Carolina to redraw its 2022 enacted congressional map following an eight-day trial. Plaintiffs highlighted how the Legislature sorted Black voters on the basis of race without a compelling reason and also purposefully engineered the map to dilute Black voting power.

The state appealed the ruling to the Supreme Court, which will hear the case next term.

The following comments are from:

Joint comment from South Carolina NAACP and Taiwan Scott, plaintiffs: “We are hopeful that the Supreme Court will come to the same conclusion that the federal panel did in ruling correctly that our state’s 2022 enacted congressional map was discriminatorily drawn. For too long, our state’s electoral process has silenced us and severely weakened the ability of our communities to be fully and fairly represented and accounted for. South Carolina’s congressional map is the latest instance in our state’s long, painful history of racial discrimination that must be remedied. As the case moves to oral argument, we implore the court to uphold the panel’s decision and protect Black South Carolina voters from this egregious form of discrimination.”

Leah Aden, LDF’s senior counsel: “We are confident that after a full review of the record, the Supreme Court will agree with the panel’s post-trial ruling because the law and facts are on plaintiffs’ side. South Carolina’s Congressional District 1, anchored in Charleston County, is a blatant example of unconstitutional racial gerrymandering and intentional vote dilution. We will continue to fight for the constitutional rights and dignity of Black South Carolinian voters.”

Adriel I. Cepeda Derieux, deputy director of the ACLU’s Voting Rights Project: “The facts and law are clear: South Carolina mapmakers brazenly moved Black voters in disproportionate numbers out of the Charleston County-anchored Congressional District 1 in order to hold on to political power. This was a textbook racial gerrymander and discriminatory map, as the lower court recognized. We are confident that the Supreme Court will do so as well on direct appeal, and we will fight until Black South Carolina voters have a lawful map that fairly represents them.”

John A. Freedman, Arnold & Porter’s senior pro bono counsel: “We are confident that after a full review, the Supreme Court will conclude that the trial court determination that South Carolina engaged in impermissible racial gerrymandering is supported by a mountain of evidence and will affirm. We look forward to sustaining our trial court victory for our clients.”

Allen Chaney, legal director of the ACLU of South Carolina: “The lower court reached its decision by applying firmly-rooted Supreme Court precedent to well-supported factual findings. Now that the case is on appeal, we expect that the Supreme Court will follow a similar path and affirm.”

Order:

https://www.supremecourt.gov/orders/courtorders/051523zor_h315.pdf

Statement: LINK