

Historic Win: U.S. Supreme Court Rules Alabama's Congressional Map Violates the Voting Rights Act by Diluting Black Political Power

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WASHINGTON – In a historic win for voting rights, the U.S. Supreme Court today ruled in *Allen v. Milligan* in favor of Black voters, affirming the district court's order striking down Alabama's 2021-enacted congressional map for violating the Voting Rights Act of 1965 for diluting Black political power, and requiring that Alabama redraw its congressional map.

By packing and cracking Black voters in the state, including those residing in the historic Black Belt community, the map passed by the state legislature denied Black voters an opportunity to elect candidates of their choice in all but one of seven districts even though they make up 27 percent percent of the voting-age population. In its decision, the court also affirmed that under Section 2 of the VRA, race can be considered in the redistricting process to provide equal opportunities to communities of color and ensure they are not packed and cracked in a way that impermissibly weakens their voting strength.

The court's decision today is a historic win in the fight for voting rights in the face of countless continued attacks on democracy. In its decision reaffirming the legal test for evaluating claims under the VRA first adopted in the 1980s, the U.S. Supreme Court cited the overwhelming evidence of discrimination presented by the plaintiffs in the district court.

Since the U.S. Supreme Court gutted preclearance in *Shelby County v. Holder*, this redistricting cycle was the first without federal oversight, allowing hostile state governments to pass maps that dilute the voices of Black voters and other voters of color. This decision is a clear message to lawmakers that their responsibility has not changed: They must ensure that voters of color are not denied an opportunity to participate in the electoral process.

Legal Defense Fund (LDF), American Civil Liberties Union, ACLU of Alabama, Hogan Lovells LLP, and Wiggins, Childs, Pantazis, Fisher & Goldfarb brought the case in November 2021 on behalf of Evan Milligan, Khadidah Stone, Letetia Jackson, Shalela Dowdy, Greater Birmingham Ministries, and the Alabama State Conference of the NAACP. It was argued before the court on Oct. 4, 2022.

“This decision is a crucial win against the continued onslaught of attacks on voting rights,” said **LDF deputy director of litigation Deuel Ross, who argued the case before the court in October.** “Alabama attempted to rewrite federal law by saying race could not be considered in the redistricting process even when necessary to remedy racial discrimination. But because of the state’s sordid and well-documented pattern of persisting racial discrimination, race must be considered to ensure communities of color are not boxed out of the electoral process. While the Voting Rights Act and other key protections against discriminatory voting laws have been weakened in recent years and states continue to pass provisions to disenfranchise Black voters, today’s decision is a recognition of Section 2’s purpose to prevent voting discrimination and the very basic right to a fair shot.”

Davin Rosborough, senior staff attorney with the ACLU’s Voting Rights Project, said, “The Supreme Court rejected the Orwellian idea that it’s inappropriate to consider race in determining whether racial discrimination led to the creation of illegal maps. This ruling is a huge victory for Black Alabamians.”

Plaintiffs from the case released the following joint comment: “In 2021, Alabama lawmakers targeted Black voters by packing and cracking us so we could not have a meaningful impact on the electoral process. They attempted to redefine Section 2 of the Voting Rights Act and shirk their responsibility to ensure communities of color are given an equal opportunity to elect their preferred candidates. Today, the Supreme Court reminded them of that responsibility by affirming the district court’s order that a new map be drawn that complies with federal law – one that recognizes the diversity in our state rather than erasing it. This fight was won through generations of Black leaders who refused to be silent, and while much work is left, today we can move forward with these reaffirmed protections civil rights leaders fought and died for.”

“The key takeaway from today’s decision is the court’s acknowledgment that the Alabama Legislature knowingly continued its legacy of drawing illegal voting districts that disenfranchise Black voters. The Alabama Legislature must now draw new, fairer voting districts,” said **Tish Gotell Faulks, the ACLU of Alabama’s legal director.** “Though we were victorious today, history shows us that lawmakers will erect many more hurdles before every Alabamian, irrespective of their race, can vote for representatives that reflect their beliefs, values, and priorities. Efforts remain underway from Montgomery to Jackson to Baton Rouge, and elsewhere across the country to minimize, marginalize, and eliminate the ability of Black and brown people to have a voice in their communities. Our communities then — as now — understand that the fight to uphold our civil rights is a daily pursuit. We will persist.”

Ruling: https://www.supremecourt.gov/opinions/22pdf/21-1086_1co6.pdf