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LDF Files U.S. Supreme Court Amicus Brief in Challenges to North Carolina and Maryland’s Partisan Gerrymandering Schemes

This term, the U.S. Supreme Court is hearing *Rucho v. Common Cause* and *Lamone v. Benisek*, two cases considering limits on partisan gerrymandering. The NAACP Legal Defense and Educational Fund, Inc. (LDF) today filed an [amicus curiae brief](#) in each case, urging the Supreme Court to recognize the claim of partisan gerrymandering and establish a standard for deciding such a claim that ensures that discrimination based on extreme partisanship is kept out of the redistricting process.

“Partisan gerrymandering has been used by both major political parties against voters of color and other voters to entrench their power and devalue dissenting voices,” said [Leah C. Aden](#), LDF’s Deputy Director of Litigation. “The North Carolina and Maryland redistricting processes are the poster child of what should not take place during redistricting—drawing maps behind closed doors; paying lip service to meaningful deliberation and alternative maps; and locking in the power of one favored political party not by the persuasiveness of their policy proposals but by the manipulation of the line drawing process.”

At issue in *Rucho* and *Benisek* is whether North Carolina and Maryland’s congressional maps were unconstitutionally drawn to lock in partisan power well beyond the political considerations that admittedly are a part of the redistricting process. Although there are no direct claims that the maps before the Court created their partisan advantage by racially discriminating against minority voters, the plan at issue in North Carolina, for example, is the successor to a map that impermissibly packed voters of color to achieve partisan gains. Moreover, as LDF’s brief highlights, while racial discrimination is of different moral, legal, and historical roots than partisan gerrymandering; any solution to curb excess political influence in the districting process also can protect minority voters.

“At its worst, partisan gerrymandering subverts democracy by allowing elected officials to choose their voters, instead of letting voters choose their representatives,” said [Justin Levitt](#), Professor at Loyola Law School and co-author of LDF’s brief. “Whether those officials draw district lines to subordinate the will of

their political opponents, minority communities, or both, they undermine the integrity of our elections. The facts in these cases should make them easy. It's long past time for the Court to make clear that partisan operatives can't set up unwarranted barriers deliberately keeping voters from a fair and equal opportunity to elect the candidate of their choice.”

LatinoJustice PRLDEF, Asian Americans Advancing Justice (AAAJ), Asian American Legal Defense and Education Fund (AALDEF), Lambda Legal, and The Leadership Conference on Civil and Human Rights joined LDF as signatories on the brief. Oral arguments in *Rucho* and *Benisek* will be heard before the Supreme Court on March 26, 2019.

Read the full brief [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.

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