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**THE DOCKET**

# Alexander v. South Carolina State Conference of the NAACP

Civics is all around us. The United States Supreme Court is the highest court in the land. Through its power of judicial review, its decisions have a lasting impact on "We the People". So what is the Court hearing this session and how might the justices rule? Let's help each other expand our civic literacy.

## The Case of Political vs. Racial Gerrymandering

### The Facts of Alexander v. South Carolina State Conference of the NAACP:

Unless prohibited by state law, the process most often used for the redrawing of congressional districts is the [gerrymander](#). When districts are gerrymandered, the party in control of the state legislature will create districts that benefit their electoral chances over that of the other party. When drawing congressional districts, state legislatures must follow these constitutional, federal and state regulations:

- all congressional districts must be as equal in population as possible,
- that they steer clear of intentional racial discrimination when drawing these maps,
- that the drawn districts are compact and not overly large, and
- that the district is contiguous in nature, meaning that the lines making up the district continuously touch one another

At issue in this case is whether or not the South Carolina legislature engaged in intentional racial discrimination when it [redrew](#) its congressional map for its seven seats in the U.S. House of Representatives following the 2020 census.

The South Carolina State Conference of the [NAACP](#) challenged the new map in federal court. They argue that the state legislature could have "equalized population across congressional districts 1 and 6 by simply shifting approximately 85,000 people from congressional district 1 to congressional district 6. Instead, the legislature moved almost 53,000 people into the already overpopulated congressional district 1, and then removed another 140,000 people. In doing so, the NAACP claims the legislature 'bleached' Charleston County of 62% of its Black residents, more than 30,000 people, removing every precinct but one with more than 1,000 Black voters." Allegations also state that the new map "made congressional district 1 noncontiguous, split four of its six counties, and disregarded communities of interest." ([Brief for the Appellees](#) pg. 1-2).

The NAACP of South Carolina also argued that congressional district 1 was an unconstitutional racial [gerrymander](#) violating the [14th and 15th amendments](#) and was "adopted with racially discriminatory intent that injured Black voters" ([Brief for the Appellees](#), pg. 2). However, the Republican controlled South Carolina legislature, who adopted the map, argue that their drawing of the map was based on politics, and not race. They claim they "drew lines based on data from the 2020 Presidential election and traditional criteria" ([Brief for the Appellant](#), pg. 10), and that they politically gerrymandered South Carolina's congressional districts, which is legal, because there is just a strong correlation between race and party affiliation. In defense of their map, the South Carolina legislature and other state election officials explained that they were attempting to ensure the district stays safe for Republicans.

The U.S. District Court for the District of South Carolina, Columbia Division [agreed](#) with the South Carolina Conference of the NAACP and ruled congressional district 1 a racial gerrymander. The District Court ordered the South Carolina legislature to draw a new map by the end of March 2023. However, when South Carolina Senate President, Thomas C. Alexander, appealed to the U.S. Supreme Court, the District Court put its order on hold until the Supreme Court renders a decision. The U.S. Supreme Court heard oral argument in this case on October 11, 2023.

During oral argument, two issues received considerable attention from the justices:

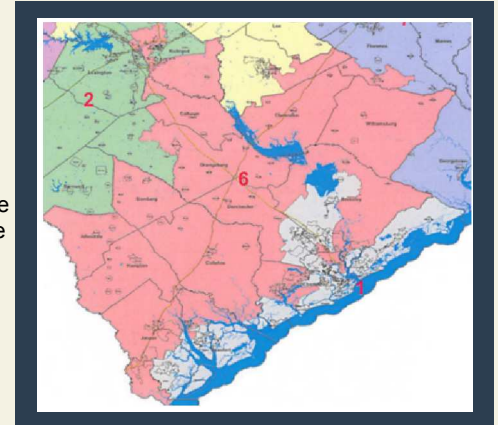
- [elements](#) of the case that involve "disentangling race and politics"
- the "clear error" standard the Court must consider when deciding to uphold or overturn a lower court's ruling

The Court is being asked to address two questions:

1. Did the district court commit legal or clear error in concluding that South Carolina Congressional District 1 is an unconstitutional racial gerrymander?
2. Did the district court err in concluding that the South Carolina General Assembly engaged in unconstitutional intentional race discrimination in enacting District 1? ([Brief for the Appellants](#), pg.i)

### Supreme Court Precedent Used in this Case:

- [Shaw v. Reno](#) (1993): The Court ruled that race may be a factor in the creation of congressional districts, but that must be balanced with other considerations so as to not violate the Equal Protections Clause of the 14th Amendment and comply with the Voting Rights Act of 1965.
- [Shaw v. Hunt](#) (1996): The Court ruled that a North Carolina redistricting plan created racially gerrymandered districts and therefore violated the Fourteenth Amendment's equal protection clause. In addition, the Court addressed the issue of "standing" in redistricting cases and ruled that only voters who lived in the congressional district alleged to be racially gerrymandered had proper standing to challenge the constitutionality.
- [Easley v. Cromartie](#) (2001): The Court ruled that the District Court's conclusion on North Carolina's 1997 redrawing of its Twelfth Congressional District's 1992 boundaries was based on erroneous findings. The Court said that when electoral districts are drawn in accordance to voting behavior, even if that appears to correlate with race, it is not a violation of the 14th Amendment if the party challenging the redistricting cannot show a more racially balanced alternative that achieves the same political goals.
- [Cooper v. Harris](#) (2017): The Court ruled the District Court for North Carolina did not rule in error when it found North Carolina's redistricting plan unconstitutional as a racial gerrymander. The Court held North Carolina did not meet its burden of proving that it had a compelling interest in racially sorting voters and that the District Court was given enough evidence to rule as it did.
- [Abbott v. Perez](#) (2018): The Court said that the Texas District Court ruled incorrectly by disregarding the presumption of good faith state legislatures are entitled to when they draw legislative districts, even if discriminatory practices have occurred in the past. The Court said the burden of proving discriminatory intent by a legislature is on the challengers to show.
- [Allen v. Milligan](#) (2023): The Court ruled that the Alabama District Court appropriately applied the Gingles three-part framework to determine the Alabama legislature violated Section 2 of the Voting Rights Act when it drew its redistricting map for their seven congressional districts.



**To Think and To Do:** In its [ruling](#), the three-judge panel of the district court stated, "state legislators are free to consider a broad array of factors in the design of a legislative district, including partisanship, but they may not use race as a predominant factor and may not use partisanship as a proxy for race." Given the lower courts explanation, the parameters set by the "clear error" standard, and the precedents used in this case, how do you think the Supreme Court will rule? Explain.

to **Learn MORE** about this case, view the [Brief for the Appellant](#), Thomas C. Alexander and the [Brief for the Appellees](#), The South Carolina State Conference of the NAACP



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