

# Wittman v. Personhuballah

Race, Politics and Redistricting in the U.S. Supreme Court

## ABOUT

Representative Bobby Scott, the first African-American Representative from Virginia, has represented the state's third congressional district since 1992 and has won re-election in the district by wide margins. In 2010, he received 70 percent of the vote. Nonetheless, when the state legislature drew the Virginia Congressional Redistricting Map in 2012, it moved even more black voters into the district, under the guise of preserving the minority community's ability to elect their candidate of choice.

Virginia voters challenged the state's new redistricting map, alleging that the plan unconstitutionally allowed race to predominate in redrawing the third Congressional district. Voters argued that the legislators assigned black voters into the district, on the basis of their race. The three-judge district court found the redistricting plan for the Virginia's third district to be an unconstitutional racial gerrymander. Since the legislators could not agree on a new redistricting plan, the district court chose a plan proposed by an independent special master.

While the new plan will be used for upcoming June primary elections, Virginia's Republican members of the House sought review by the U.S. Supreme Court. The Virginia delegation is defending the 2012 redistricting plan by arguing that the packing of black voters is justified because it was drawn to serve *partisan* goals.

## WHAT'S AT STAKE

While the intersection of race and politics in districting is complex, the Supreme Court has been clear on one point: States may not sort people by race in drawing districts, and states may not use race as a proxy for politics to achieve cynical partisan gains. The Virginia delegation's argument in this case seeks to undermine that principle. If they succeed, legislatures could use minority voters as a pawn in their political game, singling them out for diminished voting strength and using them as pawns to achieve their partisan goals. The Campaign Legal Center submitted an *amici curiae* brief of the on behalf of itself, the League of Women Voters, the Voting Rights Institute and the National Council of Jewish Women. *For more information, contact [info@campaignlegalcenter.org](mailto:info@campaignlegalcenter.org).*