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**BREAKING: By a 5–4 vote, with Roberts joining the liberals in dissent, the Supreme Court halts a lower court order that required Alabama to redraw its congressional map, which diluted Black votes in violation of the Voting Rights Act.**

The Supreme Court's order and dissents can be found here.

[https://www.supremecourt.gov/opinions/21pdf/21a375\\_d18f.pdf](https://www.supremecourt.gov/opinions/21pdf/21a375_d18f.pdf)

This is another major blow to the Voting Rights Act that will likely preserve Alabama's current racist gerrymander.

The Supreme Court also granted cert in this case and will issue a decision later this term—teeing up the opportunity to eviscerate the Voting Rights Act's remaining protections for racial minorities against gerrymanders that dilute their voting strength.

I should note that while the Supreme Court may calendar the case for this term, it's possible that it will kick it to next term, so I am not completely certain when a decision will come down. (Whenever it does, today's order all but ensures it will be catastrophic.)

Kagan's dissent is furious, and again criticizes the shadow docket: "Today's decision is one more in a disconcertingly long line of cases in which this Court uses its shadow docket to signal or make changes in the law, without anything approaching full briefing and argument."

Kagan, dissenting: The court's decision today "does a disservice to Black Alabamians" who "have had their electoral power diminished—in violation of a law this Court once knew to buttress all of American democracy."

[https://www.supremecourt.gov/opinions/21pdf/21a375\\_d18f.pdf#page=10](https://www.supremecourt.gov/opinions/21pdf/21a375_d18f.pdf#page=10)

Today's decision is one more in a disconcertingly long line of cases in which this Court uses its shadow docket to signal or make changes in the law, without anything approaching full briefing and argument. Here, the District Court applied established legal principles to an extensive evidentiary record. Its reasoning was careful—indeed, exhaustive—and justified in every respect. To reverse that decision requires upsetting the way Section 2 plaintiffs have for decades—and in line with our caselaw—proved vote-dilution claims. That is a serious matter, which cannot properly occur without thorough consideration. Yet today the Court skips that step, staying the District Court's order based on the untested and unexplained view that the law needs to change. That decision does a disservice to our own appellate processes, which serve both to constrain and to

legitimate the Court's authority. It does a disservice to the District Court, which meticulously applied this Court's longstanding voting-rights precedent. And most of all, it does a disservice to Black Alabamians who under that precedent have had their electoral power diminished—in violation of a law this Court once knew to buttress all of American democracy.

Today's decision marks yet another instance in which the 6–3 majority made the difference. Chief Justice Roberts sided with the liberals in denying the stay, but his vote doesn't matter: Thomas, Gorsuch, Alito, Kavanaugh, and Barrett control the court.

It is hard to overstate how lawless the Supreme Court's order is. The five ultraconservative justices broke the court's own rules to intervene with an unreasoned shadow docket decision that effectively nullifies a key provision of the Voting Rights Act. It's profoundly alarming.

With today's decision, the Supreme Court's five far-right justices have effectively rewritten the Voting Rights Act, obliterating its vital protections against racial gerrymandering—and doing it through the shadow docket.

A dark day for the VRA.



**SCOTUS Just Blew Up the Voting Rights Act's Ban on Racial Gerryma...**

By greenlighting Alabama's egregious map, five justices declared open season on racial minorities' voting power.

<https://slate.com/news-and-politics/2022/02/supreme-court-alabama-racial-gerrymand...>

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