

Landmark Dates and Events in Redistricting

Here are several key dates, court cases, and congressional and legislative actions regarding redistricting and reapportionment in the United States and North Carolina:

- 1962:** *Baker v. Carr*. The U.S. Supreme Court says that legislative districts with unequal populations can be challenged in federal courts.
- 1963:** *Gray v. Sanders*. The U.S. Supreme Court sets the standard for challenges to unequal populations with one-person, one-vote ruling.
- 1964:** *Wesberry v. Sanders*. The U.S. Supreme Court holds that congressional districts must be equal or nearly equal in population.
- 1964:** *Reynolds v. Sims*. The U.S. Supreme Court says that state legislative bodies must be apportioned on the basis of population, but establishes a standard for equal population that is less stringent than for congressional districts.
- 1965:** Voting Rights Act. The U.S. Congress passes, and President Lyndon B. Johnson signs into law, the Voting Rights Act of 1965. The law removes many barriers that keep minorities from voting in North Carolina and gives the U.S. Department of Justice, in Section 5, the authority to declare void any subsequent changes to N.C. election laws in 40 N.C. counties which would impede minority citizens in their efforts to vote.
- 1965:** *Drum v. Seawell*. The U.S. District Court for the Middle District of North Carolina orders the N.C. General Assembly to comply with the one-person, one-vote standard.
- 1966:** The N.C. General Assembly, in special session, reapportions itself to bring N.C. House and Senate districts into compliance with the one-person, one-vote standard.
- 1967:** The N.C. General Assembly, meeting in regular session, rewrites the 1966 congressional district plan to comply with the one-person, one-vote standard.
- 1971:** The N.C. General Assembly, in regular session, draws new districts to comply with 1970 U.S. Census and does so in a way that reduces the population deviation and makes districts more nearly equal in numbers.
- 1980:** *City of Mobile v. Bolden*. The U.S. Supreme Court rules in Alabama case that Section 2 of the Voting Rights Act applies only when plaintiffs can show that election laws were written with the *intent* to discriminate against minorities.
- 1981:** The N.C. General Assembly refuses to create single-member districts for minorities in drafting House and Senate plans. Ralph Gingles of Gastonia, a black Democrat, files suit alleging that the plans violate the one-person, one-vote standard; dilute minority voting strength; and rely on provisions of the N.C. Constitution that were not pre-cleared as required under the Voting Rights Act. The U.S. Justice Department objects to first House plan, then the first Senate and congressional plans, and declares void a provision of the N.C. Constitution that prohibits the splitting of counties in the drawing of political districts. The legislature enacts a second House plan in special session in October, still with no single-member districts for minorities.
- 1982:** Congress amends the Voting Rights Act of 1965 to provide that plaintiffs no longer must prove that a law was written with the

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intent to discriminate when a plaintiff charges an election law is discriminatory. In future cases, it will be sufficient only to show that a law has a discriminatory *result*. The U.S. Justice Department objects to N.C. General Assembly's second House plan. The General Assembly meets in February to enact a third N.C. House plan which creates, for the first time, four majority-black, single-member districts. Also, the legislature enacts a second Senate plan that creates two majority-black, single-member districts. The U.S. Justice Department rejects both plans in April. The legislature approves a fourth N.C. House and a third N.C. Senate plan in late April. The U.S. Justice Department approves both plans under Section 5 of the U.S. Voting Rights Act.

1983: *Cavanagh v. Brock*. The U.S. District Court in Raleigh strikes down an N.C. Constitution provision prohibiting the splitting of county lines when drawing districts.

1983: *Karcher v. Daggett*. The U.S. Supreme Court strikes down a congressional redistricting plan in New Jersey that has a population deviation of less than 1 percent because plaintiffs were able to show that they could draw another map that had a smaller range of deviation.

1984: The U.S. District Court in North Carolina's Eastern District rejects both N.C. House and N.C. Senate plans, demanding that urban House and Senate districts be split to create black single-member districts and that a predominantly black Senate district in northeastern North Carolina be drawn with a higher percentage of black citizens. A fourth N.C. Senate plan is enacted, creating a new single-member black district in Mecklenburg County and increasing the black majority in Senate District 2 in the northeastern part of the state. This Senate plan will pass U.S. Justice Department and judicial review. Further rulings in the *Gingles* case mandate changes in the Nash, Edgecombe, and Wilson counties area in House districts.

The U.S. District Court orders four single-member House districts, one of which is predominantly black and the other nearly half black. The state of North Carolina continues to appeal *Gingles* decisions.

1986: *Thornburg v. Gingles*. The U.S. Supreme Court upholds 1982 amendments to the Voting Rights Act and reverses its 1980 *City of Mobile v. Bolden* decision. The high court holds that if a legislative district can be created with a majority-minority population, and if that is in an area where minorities have been unable to win election when mixed with a larger white population, then that district must be drawn. North Carolina's Durham County, which had been split into three House districts, is rejoined into a three-member at-large district. The court says Durham has shown the ability to elect black officials.

1986: *Davis v. Bandemer*. The U.S. Supreme Court rules in an Indiana case that political gerrymandering in legislative districts is a matter for review by the federal courts. The court fails, however, to elaborate on what will constitute illegal political gerrymandering, and says Indiana's gerrymander was not bad enough.

1990: The U.S. Census is conducted on April 1. The N.C. General Assembly receives preliminary figures in September. President George Bush is to receive the Census Bureau report by New Year's Eve.

1991: The N.C. General Assembly is to convene on Jan. 30, 1991. North Carolina is tentatively scheduled to receive final 1990 census data in late February. The U.S. Secretary of Commerce is to validate figures by mid-July 1991 or institute an adjustment to compensate for what is expected to be an undercount of minorities.

2000: The U.S. Census Bureau is to conduct the decennial census on April 1, regardless of whether North Carolina or other states have completed 1991 redistricting based on 1990 figures.

—Paul T. O'Connor

Sources: State Legislatures magazine, National Conference of State Legislatures, and N.C. General Assembly General Research Division.