NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SHAW ET AL. *v.* RENO, ATTORNEY GENERAL, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

No. 92–357. Argued April 20, 1993—Decided June 28, 1993

To comply with §5 of the Voting Rights Act of 1965—which prohibits a covered jurisdiction from implementing changes in a ``standard, practice, or procedure with respect to voting'' without federal authorization—North Carolina submitted to the Attorney General a congressional reapportionment plan with one majority-black district. The Attorney General objected to the plan on the ground that a second district could have been created to give effect to minority voting strength in the State's south-central to southeastern region. The State's revised plan contained a second majority-black district in the north-central region. The new district stretches approximately 160 miles along Interstate 85 and, for much of its length, is no wider that the I-85 corridor. Appellants, five North Carolina residents, filed this action against appellee state and federal officials, claiming that the State had created an unconstitutional racial gerrymander in violation of, among other things, the Fourteenth Amendment. They alleged that the two districts concentrated a majority of black voters arbitrarily without regard to considerations such as compactness, contiguousness, geographical boundaries, or political subdivisions, in order to create congressional districts along racial lines and to assure the election of two black representatives. The three-judge District Court held that it lacked subject matter jurisdiction over the federal appellees. It also dismissed the complaint against the state appellees, finding, among other things, that, under *United Jewish Organizations of Williamsburgh, Inc.* v. *Carey,* 430 U. S. 144 *(UJO),* appellants had failed to state an equal protection claim because favoring minority voters was not discriminatory in the constitutional sense and the plan did not lead to proportional underrepresentation of white voters statewide.

Held:

1. Appellants have stated a claim under the Equal Protection Clause by alleging that the reapportionment scheme is so irrational on its face that it can be understood only as an effort to segregate voters into separate districts on the basis of race, and that the separation lacks sufficient justification. Pp. 7–21.

(a) The District Court properly dismissed the claims against the federal appellees. Appellants' racial gerrymandering claims must be examined against the backdrop of this country's long history of racial discrimination in voting. Pp. 7–10.

(b) Classifications of citizens based solely on race are by their nature odious to a free people whose institutions are founded upon the doctrine of equality, because they threaten to stigmatize persons by reason of their membership in a racial group and to incite racial hostility. Thus, state legislation that expressly distinguishes among citizens on account of race—whether it contains an explicit distinction or is ``unexplainable on grounds other than race,'' *Arlington Heights* v. *Metropolitan Housing Development Corp.,* 429 U. S. 252, 266—must be narrowly tailored to further a compelling governmental interest. See, *e.g., Wygant* v. *Jackson Bd. of Ed.,* 476 U. S. 267, 277–278 (plurality opinion). Redistricting legislation that is alleged to be so bizarre on its face that it is unexplainable on grounds other than race demands the same close scrutiny, regardless of the motivations underlying its adoption. See, *e.g., Gomillion* v. *Lightfoot,* 364 U. S. 339, 341. That it may be difficult to determine from the face of a single-member districting plan that it makes such a distinction does not mean that a racial gerrymander, once established, should receive less scrutiny than other legislation classifying citizens by race. By perpetuating stereotypical notions about members of the same racial group—that they think alike, share the same political interests, and prefer the same candidates—a racial gerrymander may exacerbate the very patterns of racial bloc voting that majority-minority districting is sometimes said to counteract. It also sends to elected representatives the message that their primary obligation is to represent only that group's members, rather than their constituency as a whole. Since the holding here makes it unnecessary to decide whether or how a reapportionment plan that, on its face, can be explained in nonracial terms successfully could be challenged, the Court expresses no view on whether the intentional creation of majority-minority districts, without more, always gives rise to an equal protection claim. Pp. 10–17.

(c) The classification of citizens by race threatens special harms that are not present in this Court's vote-dilution cases and thus warrants an analysis different from that used in assessing the validity of at-large and multimember gerrymandering schemes. In addition, nothing in the Court's decisions compels the conclusion that racial and political gerrymanders are subject to the same constitutional scrutiny; in

fact, this country's long and persistent history of racial discrimination in voting and the Court's Fourteenth Amendment jurisprudence would seem to compel the opposite conclusion. Nor is there any support for the argument that racial gerrymandering poses no constitutional difficulties when the lines drawn favor the minority, since equal protection analysis is not dependent on the race of those burdened or benefited by a particular classification, *Richmond* v. *J. A. Croson Co.,* 488 U. S. 469, 494 (plurality opinion). Finally, the highly fractured decision in *UJO* does not foreclose the claim recognized here, which is analytically distinct from the vote-dilution claim made there. Pp. 18–21.

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2. If, on remand, the allegations of a racial gerrymander are not contradicted, the District Court must determine whether the plan is narrowly tailored to further a compelling governmental interest. A covered jurisdiction's interest in creating majority-minority districts in order to comply with the nonretrogression rule under §5 of the Voting Rights Act does not give it *carte blanche* to engage in racial gerrymandering. The parties' arguments about whether the plan was necessary to avoid dilution of black voting strength in violation of §2 of the Act, and whether the State's interpretation of §2 is unconstitutional, were not developed below, and the issues remain open for consideration on remand. It is also unnecessary to decide at this stage of the litigation whether the plan advances a state interest distinct from the Act: eradicating the effects of past racial discrimination. Although the State argues that it had a strong basis for concluding that remedial action was warranted, only three Justices in *UJO* were prepared to say that States have a significant interest in minimizing the consequences of racial bloc voting apart from the Act's requirements and without regard for sound districting principles. Pp. 21–26.

3. The Court expresses no view on whether appellants successfully could have challenged a district such as that suggested by the Attorney General or whether their complaint stated a claim under other constitutional provisions. Pp. 26–27.

808 F. Supp. 461, reversed and remanded.

O'CONNOR, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and SCALIA, KENNEDY, and THOMAS, JJ., joined. WHITE, J., filed a dissenting opinion, in which BLACKMUN and STEVENS, JJ., joined. BLACKMUN, J., STEVENS, J., and SOUTER, J., filed dissenting opinions.