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

JOHNSON, SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, ET AL. *v.* DE GRANDY ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA

No. 92–519. Argued October 4, 1993—Decided June 30, 1994[1]

In these consolidated cases, a group of Hispanic voters, a group of black voters, and the Federal Government claim that Florida's reapportionment plan for the State's single-member Senate and House districts (``SJR-2G'') unlawfully dilutes the voting strength of Hispanics and blacks in the Dade County area, in violation of §2 of the Voting Rights Act of 1965. The State Supreme Court, in a review required by the State Constitution, declared the plan valid under federal and state law, while acknowledging that time constraints precluded full review and authorizing any interested party to bring a §2 challenge in that court. The plaintiffs chose, however, to pursue their claims in federal court. A three-judge District Court reviewed the totality of circumstances as required by §2 and *Thornburg* v. *Gingles,* 478 U. S. 30, and concluded that the three *Gingles* preconditions for establishing dilution were satisfied, justifying a finding of vote dilution. Specifically, the court found that voting proceeded largely along racial lines, producing a system of ``tripartite politics''; that Hispanics in the Dade County area could constitute a majority in 11 House and 4 Senate districts, but that SJR 2–G had created only 9 House and 3 Senate districts with Hispanic majorities; that an additional

[1]Together with No. 92–593, *De Grandy et al.* v. *Johnson, Speaker of the Florida House of Representatives, et al.,* and No. 92–767, *United States* v. *Florida,* also on appeal from the same court.

majority-black Senate district could have been drawn; and that Florida's minorities had suffered historically from official discrimination, the social, economic, and political effects of which they continued to feel. The court imposed a remedial plan with 11 majority-Hispanic House districts but, concluding that the remedies for blacks and Hispanics in the senatorial districts were mutually exclusive, left SJR 2–G's Senate districts in force.

JOHNSON *v.* DE GRANDY

Syllabus

Held:

1. The District Court properly refused to give preclusive effect to the State Supreme Court's decision validating SJR 2–G. Pp. 6–8.

2. There is no violation of §2 in SJR 2–G's House districts, where in spite of continuing discrimination and racial bloc voting, minority voters form effective voting majorities in a number of House districts roughly proportional to their respective shares in the voting-age population. While such proportionality is not dispositive, it is a relevant fact in the totality of circumstances to be analyzed when determining whether minority voters have ``less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice,'' 42 U. S. C. §1973(b). Pp. 8–26.

(a) This Court assumes without deciding that the first *Gingles* factor has been satisfied in these cases. Pp. 10–11.

(b) While proof of the *Gingles* factors is necessary to make out a claim that a set of district lines violates §2, it is not necessarily sufficient. Rather, a court must assess the probative significance of the *Gingles* factors after considering all circumstances with arguable bearing on the issue of equal political opportunity. Here, the court misjudged the relative importance of the *Gingles* factors and of historical discrimination by equating dilution where these had been found with failure to maximize the number of majority-minority districts. Dilution cannot be inferred from the mere failure to guarantee minority voters maximum political influence. Pp. 11–20.

(c) Ruling as the State proposes, that as a matter of law no dilution occurs whenever proportionality exists, would likewise provide a bright-line decisional rule only in derogation of the statutory text. While proportionality is an indication that minority voters have equal political and electoral opportunity in spite of racial polarization, it is no guarantee, and it cannot serve as a short-cut to determining whether a set of districts unlawfully dilutes minority voting strength. Pp. 20–24.

(d) This Court need not reach the United States' argument that proportionality should be assessed only on a statewide basis in cases challenging districts for electing a body with statewide jurisdiction. The argument would recast this litigation as it comes before the Court, for up until now the dilution claims have been litigated not on a statewide basis, but on a smaller geographical scale. Pp. 24–26.

3. The District Court's decision to leave undisturbed the State's plan for Senate districts was correct. However, in reaching its decision, the court once again misapprehended the legal test for vote dilution. As in the case of the House districts,

Syllabus

the totality of circumstances appears not to support a finding of dilution in the Senate districts. Pp. 26–28.

815 F. Supp. 1550, affirmed in part and reversed in part.

SOUTER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and BLACKMUN, STEVENS, O'CONNOR, and GINSBURG, JJ., joined, and in all but Parts III–B–2, III–B–4, and IV of which KENNEDY, J., joined. O'CONNOR, J., filed a concurring opinion. KENNEDY, J., filed an opinion concurring in part and concurring in the judgment. THOMAS, J., filed a dissenting opinion, in which SCALIA, J., joined.