The Phyllis Schlafly Report

Supreme Court Caves to Left on Racial Quotas

By John and Andy Schlafly

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The Supreme Court sided on Tuesday with federal interference in the Alabama legislature for the second time in four months, by ordering or allowing the liberal judicial override of a redistricting plan. This misuse of the Voting Rights Act obstructs a state legislature from exercising its constitutional authority to reformulate its congressional districts based on population changes.

Some 15 years after Americans elected a black president, and long after black congressmen and senators have been elected by majority-white constituents, the Supreme Court is still falling for the liberal lie that whites won't elect a black representative. Liberals perpetuate this fiction to increase the number of Democrat-controlled congressional districts, rather than to protect voting rights.

Alabama already has one majority-black congressional district out of seven. But liberals insist that an additional district be drawn based solely on race, even though the Fourteenth Amendment stands against racial discrimination by the government of any state.

Last June the Supreme Court pontificated against universities for basing their admissions decisions in part on race. But that same month, and again this week, the same Supreme Court held that a state legislature must redraw Alabama's congressional districts based on the race of its voting age population, in order to create the highest possible number of majority-black districts.

A few Justices appear spooked by the possibility that the liberal media might call them racist if they do not require racial quotas in redistricting, even though that was never overtly required before. The Court implicitly adopts the false argument that a district would not elect a black Representative if fewer than half of its voters are black.

Congress currently has four African-American members representing districts with far less than a black majority: Byron Donalds, whose Florida district is 7% black; Wesley Hunt, whose Texas district is 7% black; John James, whose Michigan district is 3% black; and Burgess Owens, whose Utah district is less than 2% black. Sen. Tim Scott represents South Carolina, which is only 26% black, and is a candidate for president.

Of course, all these fine elected officials are Republicans, which is not what liberals seek. Instead, what they want is to maximize the number of Democrat-held districts, regardless of color.

The Supreme Court obliges, as two Republican-appointed Supreme Court Justices who otherwise purport to defend state sovereignty flipped to the liberal side to override the Alabama legislature. This Court that refused to touch any election issue brought by Trump is eager to appease progressives who misuse race to manipulate election outcomes.

The Court refuses to admit that it is demanding the equivalent of unconstitutional racial quotas. Yet on Tuesday, by issuing unsigned orders without comment, the Court reaffirmed its *Allen v. Milligan* decision last June that requires Alabama to use racial quotas in redistricting.

John Roberts and Brett Kavanaugh were the justices who joined the liberal bloc to expand Section 2 of the Voting Rights Act to force this extraordinary override of a state legislature. Roberts joined despite his ruling in 2013 that Section 5 of the Voting Rights Act was no longer needed, and Kavanaugh concurred despite his caveat that "the authority to conduct race-based redistricting cannot extend indefinitely into the future."

The fiction of liberals and federal courts pretending to prefer race-blind policies is laid bare by their racial quotas for redistricting. States should not be forced to perpetuate the balkanization of voting along racial lines, coupled with ballot harvesting strategies that in some precincts have delivered nearly every ballot for the Democrat Party.

Our Constitution is color-blind and should be interpreted that way on all issues, not just college admissions. As explained by Clarence Thomas, the senior black justice on the Court, disputes about drawing congressional districts should be resolved "in a way that would not require the Federal Judiciary to decide the correct racial apportionment of Alabama's congressional seats."

Every ten years a new census results in states redrawing their congressional districts to account for shifting population and the gain or loss of a congressional seat. The Alabama legislature justifiably sought to keep its southwest Gulf Coast region within one congressional district because there is a community of interest there, while plaintiffs sought to break it into separate districts in order to forge a second majority-Democrat, majority-black district.

Democrats challenged the legislature's decision based on their theory about the "Black Belt" region of Alabama, so named for the color of its rich soil and not the color of its residents.

The Alabama legislature included much of this region in a district where blacks comprised 42% of its population, which should have been enough.

By racially balkanizing Alabama, the Court reduces the likelihood that a black congressman can be elected statewide as Tim Scott has been reelected as senator in South Carolina.

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