

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

GROWE, SECRETARY OF STATE OF MINNESOTA, ET AL.
v. EMISON ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MINNESOTA

No. 91-1420. Argued November 2, 1992—Decided February 23,
1993

Shortly after a group of Minnesota voters filed a state-court action against the Minnesota Secretary of State and other election officials, appellee voters filed a similar action against essentially the same officials in the Federal District Court. Both suits alleged that, in light of the 1990 census results, the State's congressional and legislative districts were malapportioned, in violation of the Federal and State Constitutions; the federal suit contained the additional claim that the current districts diluted the vote of minority groups in Minneapolis, in violation of §2 of the Voting Rights Act of 1965. Both suits sought declaration that the current districts were unlawful, and judicial construction of new districts if the State Legislature failed to act. After the State Legislature adopted a new legislative districting plan, which contained numerous drafting errors, a second federal action was filed raising constitutional challenges to the new legislative districts; the two federal suits were consolidated. The District Court set a deadline for the Legislature to act on redistricting plans, but refused to abstain or defer to the state-court proceedings. The state court, having found the new legislative districts defective because of the drafting errors, issued a preliminary legislative redistricting plan correcting most of those errors, to be held in abeyance pending further action by the Legislature. Before the state court could take additional action, the District Court stayed the state-court proceedings; this Court vacated that stay. When the Governor vetoed the Legislature's effort to correct the defective legislative redistricting plan, and to adopt new congressional districts, the state court issued a final order adopting its legislative plan, and held hearings on the

congressional plans submitted by the parties. Before the state court could issue a congressional plan, however, the District Court adopted its own redistricting plans, both legislative and congressional, and permanently enjoined interference with state implementation of those plans. The District Court found, in effect, that the state court's legislative plan violated the Voting Rights Act because it did not contain a "super-majority minority" Senate District; its own plan contained such a district, designed to create a majority composed of at least three separately identifiable minority groups.

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Held:

1. The District Court erred in not deferring to the state court's timely efforts to redraw the legislative and congressional districts. States have the primary duty and responsibility to perform that task, and federal courts must defer their action when a State, through its legislative *or* judicial branch, has begun in timely fashion to address the issue. *Scott v. Germano*, 381 U. S. 407. Absent evidence that these branches cannot timely perform their duty, a federal court cannot affirmatively obstruct, or permit federal litigation to impede, state reapportionment. Judged by these principles, the District Court erred in several respects: It set a deadline for reapportionment directed only to the State Legislature, instead of to the Legislature and courts. It issued an injunction that treated the state court's provisional legislative plan as ``interfering" in the reapportionment process. It failed to give the state court's final order adopting a legislative plan *legal effect* under the principles of federalism and comity embodied in the full faith and credit statute. And it actively prevented the state court from issuing its own congressional plan, although it appears that the state court was prepared to do so. Pp. 6-11.

2. The District Court erred in its conclusion that the state court's legislative plan violated §2 of the Voting Rights Act. The three prerequisites that were identified in *Thornburg v. Gingles*, 478 U. S. 30, as necessary to establish a vote dilution claim with respect to a multimember districting plan—a minority group that is sufficiently large and geographically compact to constitute a majority in a single-member district, minority political cohesion, and majority bloc voting that enables defeat of the minority's preferred candidate—are also necessary to establish a vote-fragmentation claim with respect to a single-member district. In the present case, even making the dubious assumption that the minority voters were geographically compact, the record contains no statistical or anecdotal evidence of majority bloc voting or minority political cohesion among the distinct ethnic and language minority groups the District Court combined in the new

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district. The *Gingles* preconditions were not only ignored but were on this record unattainable. Pp. 11-16.
782 F. Supp. 427, reversed and remanded.
SCALIA, J., delivered the opinion for a unanimous Court.