



The Supreme Court Says It's Neutral. It's Not.

Eric Scarffe, Florida International University

HERE'S A PUZZLE. On May 26, a three-judge federal panel **concluded** that Alabama's congressional map intentionally discriminated against black voters. A week later, the Supreme Court **allowed** the map to remain in place.

The speed of the reversal was striking. So was the reasoning. The "stay" in Alabama put a fine point on a newly dominant line of reasoning coming from the Supreme Court. Relying on its recent decision in *Louisiana v. Callais*, the Court majority's unsigned order suggested that the constitutional problem was not Alabama's failure to remedy racial inequality, but the extent to which race had been used in efforts (particularly by the District Court) to do so. Taken together, *Callais* and the **Alabama stay** reveal something important about the Supreme Court's current tactics. They also help clarify the nature of the Court's growing threat to American democracy.