

SCOTUS Opinion: Virginia's House of Delegates Lacks Standing To Challenge Redistricting Order

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[James N. Markels](#)

After Virginia redrew its districts following the 2010 census, 11 of those districts were held to be unconstitutionally drawn as being racially gerrymandered. Virginia's Attorney General, a Democrat, declined to appeal the ruling. However, the Virginia House of Delegates, controlled by the Republicans, chose to appeal that ruling directly to the Supreme Court, arguing that the districts were constitutional. Justice Ginsburg, for a closely divided 5-4 Court, held that the House of Delegates did not have standing to challenge the gerrymandering ruling, and therefore dismissed the challenge. The majority noted that Virginia had standing, through the Attorney General, to lodge the appeal, but chose not to do so, and did not designate the House of Delegates to have authority in his stead. The Court also did not find that judicial invalidation of a state's law caused a particularized injury to each organ of government that participated in the law's passage. This case was thus distinguished from a prior case where the entire legislature had sued and was deemed to have standing to challenge a referendum. Justice Alito, joined by Chief Justice Roberts and Justices Breyer and Kavanaugh, dissented, arguing that since the redistricting ruling would affect the composition of the House of Delegates, the ruling did create an injury in fact to that body. A link to the opinion in *Virginia House of Delegates v. Bethune-Hill* is [here](#).

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