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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 Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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HUNT, GOVERNOR OF NORTH CAROLINA, ET AL. *v.* CROMARTIE ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

No. 98–85. Argued January 20, 1999– Decided May 17, 1999

After this Court decided, in *Shaw* v. *Hunt*, 517 U. S. 899, that North Carolina's Twelfth Congressional District was the product of unconstitutional racial gerrymandering, the State enacted a new districting plan in 1997. Believing that the new District 12 was also unconstitutional, appellees filed suit against several state officials to enjoin elections under the new plan. Before discovery and without an evidentiary hearing, the three-judge District Court granted appellees summary judgment and entered the injunction. From "uncontroverted material facts," the court concluded that the General Assembly in drawing District 12 had violated the Fourteenth Amendment's Equal Protection Clause.

Held: Because the General Assembly's motivation was in dispute, this case was not suitable for summary disposition. Laws classifying citizens based on race are constitutionally suspect and must be strictly scrutinized. A facially neutral law warrants such scrutiny if it can be proved that the law was motivated by a racial purpose or object, *Miller* v. *Johnson*, 515 U. S. 900, 913, or is unexplainable on grounds other than race, *Shaw* v. *Reno*, 509 U. S. 630, 644. Assessing a jurisdiction's motivation in drawing district lines is a complex endeavor requiring a court to inquire into all available circumstantial and direct evidence. *Arlington Heights* v. *Metropolitan Housing Development Corp.*, 429 U. S. 252, 266. Appellees here sought to prove their claim through circumstantial evidence. Viewed *in toto*, that evidence– *e.g.*, maps showing the district's size, shape, and alleged lack of continuity; and statistical and demographic evidence– tends to support an inference that the State drew district lines with an impermissible racial motive. Summary judgment, however, is appro-

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priate only where there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The legislature's motivation is a factual question, and was in dispute. Appellants asserted that the legislature intended to make a strong Democratic district. They supported that contention with affidavits of two state legislators and, more important, of an expert who testified that the relevant data supported a political explanation at least as well as, and somewhat better than, a racial explanation for the district's lines. Accepting the political explanation as true, as the District Court was required to do in ruling on appellees' summary judgment motion, appellees were not entitled to judgment as a matter of law for a jurisdiction may engage in constitutional political gerrymandering, even if it so happens that the most loyal Democrats happen to be black Democrats and even if those responsible for drawing the district are *conscious* of that fact. See *Bush* v. *Vera*, 517 U. S. 952, 968. In concluding that the State enacted its districting plan with an impermissible racial motivation, the District Court either credited appellees' asserted inferences over appellants' or did not give appellants the inference they were due. In any event, it was error to resolve the disputed fact of intent at the summary judgment stage. Summary judgment in a plaintiff's favor in a racial gerrymandering case may be awarded even where the claim is sought to be proved by circumstantial evidence. But it is inappropriate when the evidence is susceptible of different interpretations or inferences by the trier of fact. Pp. 4–13.

Reversed.

THOMAS, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, SCALIA, and KENNEDY, JJ., joined. STEVENS, J., filed an opinion concurring in the judgment, in which SOUTER, GINSBURG, and BREYER, JJ., joined.