

No. 21-1086

In the Supreme Court of the United States

JOHN H. MERRILL, Alabama Secretary of State, *et al.*,
Appellants

v.

EVAN MILLIGAN, *et al.*,
Appellees

On Appeal from the United States District Court
for the Northern District Of Alabama

**AMICUS BRIEF FOR PRESS ROBINSON, EDGAR
CAGE, DOROTHY NAIRNE, ALICE WASHINGTON,
CLEE EARNEST LOWE, DAVANTE LEWIS, MAR-
THA DAVIS, AMBROSE SIMS, NAACP LOUISIANA
STATE CONFERENCE, AND POWER COALITION
FOR EQUITY AND JUSTICE**

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INTEREST OF AMICI CURIAE

Amici Curiae are eight Black voters in Louisiana and two nonprofit organizations that work to further the voting rights of Louisiana’s Black citizens. *Amici* Press Robinson, Edgar Cage, Dorothy Nairne, Alice Washington, Clee Earnest Lowe, Davante Lewis, Martha Davis, and Ambrose Sims have been denied an equal opportunity to elect candidates of their choice because the congressional map enacted by the Louisiana Legislature dilutes their votes relative to those of white voters. *Amici* National Association for the Advancement of Colored People (“NAACP”) Louisiana State Conference and Power Coalition for Equity and Justice are organizations focused on empowering Black Louisianans, including through efforts to register and engage voters about their rights as voters, and now must divert resources to combatting the discriminatory impacts of the Louisiana congressional district plan.¹ NAACP Louisiana State Conference also has members who are registered voters and live in each of the six congressional districts in Louisiana’s congressional redistricting plan and have therefore been denied an equal opportunity to elect a candidate of their choice.

Amici have a direct stake in the outcome of this appeal. On March 30, 2022, *amici* filed suit against Kyle Ardoin, the Secretary of State of Louisiana and, as such, its chief elections officer, in the Middle

¹ Pursuant to Rule 37.6, *amici* affirm that no counsel for a party authored this brief in whole or in part, and no person other than *amici curiae* or their counsel made a monetary contribution to fund its preparation or submission. The parties have given blanket consents to the filing of any amicus brief. *See Merrill v. Milligan*, 21-1086 (March 30, 31, 2022 Blanket Consents).

District of Louisiana, alleging that the State’s congressional redistricting plan violates Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. After a five-day evidentiary hearing, the district court granted a preliminary injunction enjoining the use of the enacted map in the upcoming 2022 elections and giving the Legislature an opportunity to enact a new map that complies with Section 2 of the Voting Rights Act. *Robinson v. Ardoin*, 2022 WL 2012389 (M.D. La. June 6, 2022). A motion panel of the Fifth Circuit denied a motion by Defendant and Intervenor Defendants for a stay pending appeal. *Robinson v. Ardoin*, 37 F.4th 208 (5th Cir. 2022). On June 28, 2022, this Court issued a stay pending appeal and granted a writ certiorari before judgment, and held the case in abeyance pending the Court’s decision in the present matter. *Ardoin v. Robinson*, No. 21A814 (June 28, 2022).

SUMMARY OF ARGUMENT

Voting is “a fundamental political right, because [it is] preservative of all rights.” *Reynolds v. Sims*, 377 U.S. 533, 562 (1964). For much of the Republic’s history, all rights—including the right to exercise the franchise—were denied to enslaved persons. Even after emancipation and well into the twentieth century, racialized violence and discriminatory voting laws were used to prevent people of color from engaging in civic life.

The passage of the Voting Rights Act in 1965 represented a historic step in the Nation’s effort to curb the disenfranchisement of minorities and give full effect to the Fourteenth and Fifteenth Amendments. The problems that the Voting Rights Act is needed to address are “not ancient history. Much remains to be

done to ensure that citizens of all races have equal opportunity to share and participate in our democratic processes[.]” *Bartlett v. Strickland*, 556 U.S. 1, 25 (2009) (plurality opinion).

Few states better demonstrate the continued necessity of providing minority voters with an effective remedy under Section 2 of the Voting Rights Act than Louisiana. Since the Civil War, Louisiana has repeatedly enacted laws expressly targeted at impeding Black political participation and hampering the ability of its Black citizens to exercise political power. Discriminatory laws such as these remained in effect well into the twentieth century.

Although the Voting Rights Act has served as an essential tool for the federal government and Louisiana voters to challenge discriminatory voting policies, efforts by the State and local jurisdictions to suppress Black voting power continue, and *amici* and other Black Louisianans still face severe obstacles to full political participation. The State consistently has drawn electoral maps—including congressional district maps—that restrict the ability of Black Louisianans to participate in elections on an equal footing with white Louisianans and to have an equal opportunity to elect candidates of their choice. Although Black citizens represent one-third of the State’s population, Louisiana has never (except briefly in the 1990s) had more than one majority-Black congressional district (out of what are now six total districts). Black voters lack equal access to polling sites and early voting locations and are disproportionately disenfranchised by the State’s criminal justice system. These and other obstacles to effective exercise of voting power by Black Louisianans, together with stark racial polarization in voting, have resulted in persistent

underrepresentation across all levels of political office in the State. No Black candidate has won a State-wide election in Louisiana since Reconstruction. No majority-white district has ever elected a Black candidate to Congress. In short, Black voters do not have a fair and equal say in deciding who should represent them.

The impact of Black voters' diluted political power is predictable: Louisiana's elected officials have consistently failed to respond to the needs of the State's Black communities. Black Louisianans experience disproportionately harsh and often violent policing practices and worse health outcomes compared to the State's white citizens. The evidentiary record at the preliminary injunction hearing in *Robinson* shows the lack of responsiveness by Louisiana's State and federal officials to the interests of Black voters.

The Louisiana Legislature has persistently refused to remedy the gross racial disparities in political power in the State. Most recently, during the 2021–22 redistricting cycle, the Legislature refused to adopt a congressional district map with two districts in which Black voters have an opportunity to elect their candidates of choice. Citizen testimony during the public hearings (called “roadshows”) and subsequent legislative sessions demonstrated the acute need for—and the viability of—a second congressional district in which Black voters would have an equal opportunity to elect the candidates of their choice. Those pleas went unheeded, and multiple proposed maps containing two majority-Black congressional districts were rejected on grounds the district court found to be tenuous. Instead, the State enacted a map that continues to dilute Black voting strength by “packing” large Black voting-age populations into a single majority-

Black congressional district and “cracking” Black voters among the State’s five remaining districts, which contain 91.5% of the white voting-age population.² Even after the district court held that the enacted re-districting plan likely violated the Voting Rights Act and gave the Legislature an opportunity to enact a map that complied with the Act, the Legislature chose not to do so.

The Voting Rights Act, and the continued application of Section 2 pursuant to this Court’s ruling in *Thornburg v. Gingles*, 478 U.S. 30 (1986), therefore remain critical to afford the Black citizens of Louisiana and the rest of the Nation an equal opportunity to exercise political power. Appellants invite this Court to replace the *Gingles* test with one that ignores the continuing impact of Louisiana’s centuries’-old racist practices and the remnants of those practices in the present day. Accepting Appellants’ invitation would contravene this Court’s precedent, blunt the promise of the Voting Rights Act, and curtail the ability of voters of color to preserve their rights in Louisiana and throughout the Nation.

² ECF.43 21; Prelim. Inj. Hr’g Tr. May 9, 2022 90:10-13, ECF.212. All citations to ECF Docket Numbers refers to *Robinson et al. v. Ardoin*, No. 22-cv-0211, 2022 WL 2012389 (M.D. La. June 6, 2022)

ARGUMENT

I. Louisiana’s Persistent Efforts to Suppress and Dilute Black Votes Illustrate the Continuing Importance of the Voting Rights Act, Including Its Application to Redistricting.

A. Louisiana Has a Long History of Disenfranchising Black Voters

Black Louisianans have long faced violence, discrimination, and disenfranchisement intended to hinder their exercise of political power. These practices have not been abandoned, and the impact of this history persists to the present day.

Soon after the adoption of the Fourteenth and Fifteenth Amendments guaranteeing Black citizens the right to vote, public and private “efforts to render the guarantee meaningless” became pervasive throughout Louisiana.³ White gangs organized to use “revolutionary methods” including “stuffing ballot boxes, committing perjury, and here and there in the state carrying the elections by fraud and violence” with the express goal of “preserv[ing] the ascendancy of white people.”⁴ The most infamous example of these efforts to prevent Black citizens from exercising voting power, the 1873 Colfax massacre, a white mob massacred between 60 and 250 Black residents of Colfax,

³ ECF.41-3 65 (citing Louisiana Advisory Committee for the United States Commission on Civil Rights, “Barriers to Voting in Louisiana” (June 2018)).

⁴ ECF.41-3 71 (Judge Chrisman, quoted in James G. Hollandsworth, *Portrait of a Scientific Racist: Alfred Holt Stone of Mississippi* (Baton Rouge, LA: LSU, 2008), 57).

Louisiana after demonstrations following a close gubernatorial race.⁵

Louisiana repeatedly codified into law devices to stifle Black participation in politics and public life. Louisiana laws requiring railroad cars to be segregated by race were approved by this Court in its infamous decision in *Plessy v. Ferguson*, 163 U.S. 537 (1896). Two years after *Plessy* was decided, Louisiana convened a constitutional convention with the express purpose of “establish[ing] the supremacy of the white race.”⁶ The so-called Grandfather Clause, which imposed strict restrictions on voting rights related to registration, education, and property ownership, but exempted citizens—virtually all of whom were white—whose fathers or grandfathers were registered to vote before 1867, helped accomplish this goal.⁷ Describing the success of the Constitutional Convention, its president proclaimed: “Doesn’t it let the white man vote . . . and *doesn’t it stop the negro from voting, and isn’t that what we came here for?*”⁸ The new constitution achieved its purpose: The number of Black registered voters in Louisiana plummeted, from 130,334 in 1890 to 5,320 in 1900.⁹

As a 2018 U.S. Commission on Civil Rights report explained, “[w]hen one form of voting discrimination was identified and prohibited” in Louisiana, “another

⁵ ECF.41-3 70.

⁶ ECF. 48 10.

⁷ *Ibid.*

⁸ ECF.41-3 75 (emphasis added).

⁹ *Ibid.*

sprang up in its place.”¹⁰ For example, after this Court invalidated Grandfather Clauses in *Guinn v. United States*, 238 U.S. 347 (1915), Louisiana’s 1921 Constitutional Convention replaced it with the so-called “Understanding Clause,” which required a registration applicant to “‘give a reasonable interpretation’ of any clause in the Louisiana Constitution or the Constitution of the United States,” leaving “the voting fate of a citizen to the passing whim or impulse of an individual registrar.” *Louisiana v. United States*, 380 U.S. 145, 148 (1965). Louisiana’s Understanding Clause remained in force for more than four decades until invalidated by this Court. *Id.* at 152–54.

Other flagrant restrictions on the voting rights of Black Louisianans remained in place well into the twentieth century. State law denied voter registration to Black Louisianans who “could not count the number of jellybeans in a jar that was at the polling station.”¹¹ White officials regularly rejected Black registrants who could not pass arcane “literacy” tests while permitting illiterate whites to register.¹²

These and other discriminatory policies worked in tandem well into the twentieth century to prevent or significantly curtail political participation by Black Louisianans. From 1910 until 1941, less than 1% of eligible Black Louisianans were registered to vote.¹³ Between 1956 and 1962, State registration officials

¹⁰ Louisiana Advisory Committee for the United States Commission on Civil Rights, “Barriers to Voting in Louisiana,” June 2018.

¹¹ Prelim. Inj. Hr’g Tr. May 10, 2022 179:13-19, ECF.213.

¹² ECF.41-3 78; ECF.48 11.

¹³ ECF.41-3 78.

rejected 64% of Black voter registration applications, but accepted 98% of white applications.¹⁴ By the time the Voting Rights Act was enacted in 1965, only one-third of eligible Black voters were registered, compared to the overwhelming majority of the white voting-age population.¹⁵

Louisiana also adopted a wide range of other devices to suppress or dilute the exercise of political power by Black voters. From 1923 to 1941, Louisiana authorized an all-white Democratic primary, which denied Black voters the ability to select party candidates.¹⁶ Louisiana enacted poll taxes, registration purges, and bans on single-shot voting (which would permit minority voters to concentrate their vote and elect a preferred candidate in at-large elections).¹⁷

Efforts to exclude Blacks from meaningfully participating in the political system and “preserv[e] the ascendancy of white people” were supported by Louisiana’s formal racial categorization system—a system maintained until the end of the twentieth Century. As Michael McClanahan, the President of the Louisiana State Conference of the NAACP, testified at the preliminary injunction hearing in *Robinson*, “I remember when I was in school . . . in northwest Louisiana and we were taught if we had one drop of black blood—no matter what you look like on the outside—you are

¹⁴ ECF.41-3 79.

¹⁵ ECF.48 11-12.

¹⁶ ECF.41-3 78.

¹⁷ *Ibid.* See also *Chisom v. Edwards*, 690 F. Supp. 1524, 1534 (E.D. La. 1998), *vacated sub nom. Chisom v. Roemer*, 853 F.2d 1186 (5th Cir. 1988).

considered black.”¹⁸ In 1970, the Louisiana Legislature altered its racial classification system so that 1/32 “Negro blood” resulted in classification as Black, *i.e.*, if one great-great-great grandparent was Black, a Louisianan was classified as Black. In 1974, the State’s supreme court rejected a Fourteenth Amendment challenge to the law. *State ex rel. Plaia v. Louisiana State Bd. of Health*, 296 So. 2d 809, 811 (1974).¹⁹

B. Louisiana’s Efforts to Disenfranchise Black Voters and Dilute Their Votes Continued After the Voting Rights Act Was Enacted

While the Voting Rights Act “eliminated literacy tests and other legal mechanisms that had been used

¹⁸ ECF.212 20:25-21:4.

¹⁹ Ironically, those seeking to suppress the Black vote, *e.g.*, the defendants in the *Robinson* litigation—the Secretary of State, Attorney General, and legislative-intervenors—now take the opposite approach, urging a *narrow* definition of “Black” under which Louisiana citizens who identified to the census as both Black and another minority race or ethnicity would not be counted as Black. ECF.173 85-87. The defendants advocate for stripping these voters of their racial identity so as to argue that plaintiffs could not establish, as required by *Gingles*, that the State’s Black population was sufficiently large and concentrated to enable a second majority-Black congressional district to be drawn. In an effort to repeat history, the defendants seek to have the identity of Black citizens determined by those seeking to rob Blacks of their voting power. The district court refused “to turn a blind eye to Louisiana’s long and well-documented expansive view of ‘Blackness’ in favor of a definition on the opposite end of the spectrum,” and rejected the defendants’ argument as inconsistent with this Court’s decision in *Georgia v. Ashcroft*, 539 U.S. 461, 474 (2003). ECF.173 87.

to prevent black southerners from registering,”²⁰ “discriminatory election laws . . . continue to be a serious problem in Louisiana.”²¹ Because of its historical discrimination in voting and low registration rates of Black voters, Section 5 of the Voting Rights Act required Louisiana to preclear any voting changes with federal authorities to determine before implementation whether that proposed change would have the purpose or effect of racial discrimination. Louisiana “consistently ignored its preclearance requirements under Section 5.” *Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395, 423 (M.D. La. 2017), *rev’d sub nom. Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020). Moreover, from 1965 to 1989, the U.S. Attorney General issued 66 objections to over 200 proposed changes to voting practices in Louisiana at the State and local levels. *See also Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d at 440’. From 1990 until this Court’s decision in *Shelby County v. Holder*, 570 U.S. 529 (2013), which resulted in Louisiana no longer being subject to preclearance requirement, an additional 79 objection letters were issued, under both Republican and Democratic administrations.

As just one example, in July 1968, after marked increases in Black voter registration, Louisiana passed new laws authorizing at-large elections for parish councils and parish school boards.²² In its objection letter, the Justice Department recognized that at-large elections undermine the ability of minority groups to elect candidates of their choice and that the

²⁰ ECF.41-3 82-83.

²¹ ECF.41-3 82.

²² ECF.48 12.

authorization of at-large voting was motivated by the increasing enfranchisement of Black citizens.²³ The Department objected on similar grounds to Louisiana’s attempt in 1969 to implement at-large elections statewide, finding that this change would “have the effect of discriminating against Negro voters.”²⁴ Nearly two decades later, Black voters in Orleans Parish filed a challenge under the Voting Rights Act to the at-large election system for the Louisiana supreme court in four parishes.²⁵ In 1992, those cases settled with the creation of what remains the *only* majority-Black state supreme court district and the only district to ever elect a Black supreme court justice.²⁶

State and local redistricting plans that manipulate electoral district boundaries by “cracking” (dispersing voters across many districts) or “packing” (concentrating voters in one district) reflect more recent discriminatory practices to dilute the power of Black voters in Louisiana. After the 1981 redistricting cycle, a federal court held that Louisiana’s congressional district plan—which included no majority-Black districts—violated Section 2 of the Voting Rights Act, leading to the creation of what remains the State’s single majority-Black congressional district. *See Major v. Treen*, 574 F. Supp. 325, 339–41 (E.D. La. 1983). Ten years later, the Justice Department objected to Louisiana’s state legislative redistricting plan, stating that “[i]n

²³ *Ibid.*

²⁴ *Ibid.* (citing Adegbile, “Voting Rights in Louisiana,” pp. 440-441; Jerris Leonard, Assistant Attorney General to Jack P. P. Gremillion, Attorney General of Louisiana, 26 June 1969).

²⁵ *See, e.g., Chisom v. Edwards*, 659 F. Supp. 183 (E.D. La. 1987).

²⁶ ECF.41-3 82.

seven areas . . . the proposed configuration of district boundary lines appears to minimize black voting strength, given the particular demography of those areas.”²⁷

II. Even Today, Black Voters in Louisiana Cannot Participate in the Political Process on an Equal Basis with White Voters.

The Black population in Louisiana continues to face substantial obstacles that prevent them from fully participating in the political process in the State, including unequal access to polling locations and inequitable felony disenfranchisement rules, as just two examples. The impact of these obstacles is magnified by a persistent stark pattern of racially polarized voting throughout the State. As a result, Black voters are routinely unable to elect their candidates of choice in majority-white districts, and Black citizens are grossly underrepresented in elected office.

1. Black Louisianans lack equal access to polling places. The state provides areas with a higher proportion of Black residents fewer polling locations per 1,000 voters than areas with fewer Black residents.²⁸ The four most populated parishes—Baton Rouge, Jefferson, Orleans, and Caddo—contain one-third of the State’s population and 45% of its minority population, but only 14% of its polling places.²⁹ Densely populated parishes with disproportionately large Black populations also have fewer locations for early voting. For example, as of June 2018, Caddo Parish, the State’s

²⁷ ECF.169-224 2.

²⁸ ECF.48 15-16.

²⁹ *Ibid.*

fourth most populated parish, with a Black population of over 50%, “has only one [early-voting] location for 260,000 residents.”³⁰ In short, Louisiana provides its Black voters with fewer options to participate in democracy makes it more difficult for them to cast their votes than their white counterparts.

2. Louisiana’s felony disenfranchisement laws place a disproportionate burden on the voting rights of Black Louisianans. The Louisiana constitution permits suspension of the right to vote for persons “under an order of imprisonment for conviction of a felony.”³¹ State law also extends disenfranchisement to individuals under parole or probation.³² Louisiana’s incarceration rate is the highest in the country,³³ and the State’s prison population is disproportionately Black. Approximately two-thirds of the State’s prison population is Black, twice the level of the State’s Black population.³⁴ Black Louisianans also are

³⁰ ECF.48 16 (citing Louisiana Advisory Committee of the United States Commission on Civil Rights, “Barriers to Voting in Louisiana,” June 2018, p. 12, <https://www.usccr.gov/pubs/2018/08-20-LA-Voting-Barriers.pdf>).

³¹ La. Const. 1974, Art. 1, § 10.

³² ECF.48 17. Today, the law in Louisiana makes individuals on parole or probation eligible to vote after a five-year period. *Ibid.* But even then, there is no automatic notification of eligibility, and those seeking reinstatement have the burden to demonstrate eligibility.

³³ ECF.41-3 128.

³⁴ *Ibid.*

disproportionately on probation, parole, and under community supervision after they are released from prison.³⁵

Felony disenfranchisement has a disproportionately negative impact on the voting power of Louisiana's Black citizens. In 2016, over 100,000 Louisianans were not permitted to vote because of felony convictions; 63% were Black.³⁶ This amounts to a staggering 6% of the entire adult Black population in Louisiana.³⁷ An estimated 4.41% of the Black voting age population in Louisiana cannot vote due to a felony conviction compared with only 2.23% of the State's total population.³⁸

3. State prosecutorial practices and the laws governing jury convictions also result in disproportionate convictions and disenfranchisement of Black citizens. A recent study of criminal jury trials in Caddo Parish found that state prosecutors request peremptory strikes against Black potential jurors at three times the rate of non-Black potential jurors. The racial composition of the resulting juries has been shown to be directly related to the conviction rate for Black defendants: "[N]ot one defendant was acquitted in a trial where there were two or fewer black jurors."³⁹ By

³⁵ ECF.48 20 (citing Ursula Noye, "Black Strike: A Study of the Racially Disparate Use of Peremptory Challenges by the Caddo Parish District Attorney's Office," Reprieve Australia, August 2015, pp. 7-11, https://blackstrikes.com/resources/Blackstrikes_Caddo_Parish_August_2015.pdf).

³⁶ ECF.48 17.

³⁷ *Ibid.*

³⁸ ECF.41-3 129.

³⁹ ECF.48 20.

contrast, “[t]he acquittal rate in the 49 trials where the number of black jurors was three or more, was 12%.”⁴⁰

Until 2018, Louisiana further facilitated disproportionate convictions and disenfranchisement of Black citizens by permitting split-jury verdicts—where a nonunanimous jury could secure a criminal conviction. This practice that was in existence until *just four years ago* was a vestige of Louisiana’s Jim Crow laws. It had the effect of frustrating or silencing Black juror votes by allowing groups of white jurors to regularly outvote Black jurors in favor of conviction. The unsurprising result was a starkly higher conviction rate for Black defendants versus white defendants.⁴¹

4. As the district court in *Robinson* found based on substantially undisputed evidence, voting in Louisiana is characterized by extreme racial polarization.⁴² One expert, whose testimony the district court credited, found that, in the fifteen statewide elections she studied, an average of 83.8% of Black voters supported the Black preferred candidate, while an average of only 11.7% of white voters supported that candidate.⁴³ Thus, as the district court concluded, white voters in Louisiana voting as a bloc are usually able

⁴⁰ *Ibid.*

⁴¹ *Ibid.* Louisiana’s 1973 Constitution reaffirmed split-jury verdicts, and the practice continued until a state constitutional amendment passed in 2018 to require unanimous jury verdicts, and this Court held that split-jury verdicts in state criminal proceedings were unconstitutional. *See Ramos v. Louisiana*, 140 S. Ct. 1390 (2020).

⁴² ECF.173 119-120.

⁴³ ECF.173 57, 123.

to defeat Black-preferred candidates in statewide elections and in elections in majority-white districts.⁴⁴ These outcomes are not simply a reflection of partisan polarization. Rather, as the district court found, Black voters support candidates “who are aligned on issues connected to race” and scholarly studies show that “the racial attitudes of the parties . . . drive[] support for a particular party.”⁴⁵

5. Black voters continue to be dramatically underrepresented in elected office. Since Reconstruction, no Black candidate ever has been elected to any Statewide office.⁴⁶ Nor has any Black person been elected to Congress from outside a majority-Black congressional district.⁴⁷ Similarly, today, every Black representative in the State legislature was elected from majority-Black districts.⁴⁸

Black Louisianans are also underrepresented in the state judiciary. Until a 1992 consent decree creating a Black-majority district, no Black Louisianan had ever served on the Louisiana supreme court.⁴⁹ To date, the supreme court has never had more than one sitting Black justice, and each time, the sole Black

⁴⁴ ECF.173 123-127.

⁴⁵ ECF.173 129.

⁴⁶ ECF.48 47-48.

⁴⁷ ECF.48 48.

⁴⁸ ECF.48 48-49.

⁴⁹ “*A Brief History of the Louisiana Supreme Court*,” Louisiana Supreme Court, https://www.lasc.org/Bicentennial/lasc_history.html (accessed July 17, 2022).

justice has always been elected from the Black-majority district.⁵⁰

III. Louisiana Elected Officials Are Not Responsive to the Needs of Black Louisianans.

Louisiana's discrimination against and disenfranchisement of Black voters, and the lack of representation of Black Louisianans in state and federal government, have contributed to the persistent neglect of the needs of Black Louisianans. As *amicus* Dr. Dorothy Nairne, a small business owner living in Assumption Parish, explained:

I have contacted my Congressman on issues I care deeply about. But I do not believe that my Congressman advocates for my community's needs. As is, I have yet to see my Congressman campaign in my community.⁵¹

Similarly, *amicus* Clee Lowe, a pastor residing in Baton Rouge, stated:

My congressional representative . . . has not been responsive to the concerns in the Black community in our district. He has not visited Black institutions, such as churches and businesses. I feel

⁵⁰ ECF.41-3 134.

⁵¹ ECF.41-3 187.

that he does not respond to our community's concerns.⁵²

The lack of responsiveness on the part of Louisiana's elected officials to the interests of Black voters is reflected in the State's longstanding failure to address gross racial disparities in policing and healthcare, to take just two examples.⁵³

1. **Policing.** Black communities in Louisiana face disparate and disproportionately violent treatment by state and local police, and the criminal justice system more generally. Black Louisianans are more likely to be arrested and convicted.⁵⁴ For example, a 2018 study demonstrated that although "federal survey data show that white and black people use marijuana at similar rates," in Louisiana, "in 2016, black people were 2.9 times more likely than white people to be arrested for marijuana possession."⁵⁵

Black citizens repeatedly have been victims of excessive force by police in Louisiana. In 2019, Ronald Greene was beaten to death in police custody. Multiple troopers later came forward to testify about an

⁵² ECF.41-3 202; *see also* ECF.41-3 197; ECF.41-3 229; ECF.41-4 192.

⁵³ A lack of responsiveness on the part of Louisiana's elected officials has resulted in and exacerbated disparities in numerous other areas as well, including housing, infrastructure, and education. *See* ECF.41-3 134.

⁵⁴ ECF.48 19.

⁵⁵ *Id.* at 18 (citing Southern Poverty Law Center, *Racial Profiling in Louisiana: Unconstitutional and Counterproductive* at 8 (Sept. 18, 2018), <https://www.splcenter.org/20180918/racial-profiling-louisiana-unconstitutional-andcounterproductive>).

internal cover-up of the incident by the State Police.⁵⁶ The 2015 killing of Alton Sterling in Baton Rouge, which drew national attention, resulted in no charges against the officer responsible.⁵⁷ Press and governmental investigations revealed a pattern of violence and efforts at concealment, including officers intentionally deactivating body cameras.⁵⁸ Most of those who were beaten by police were Black, and the State Police's own tally confirmed that 67% of its uses of force targeted Black people.⁵⁹

State and local police departments consistently have been found to engage in discrimination and civil rights violations. For nearly forty years until 2019, the Baton Rouge police and fire departments were subject to a consent decree aimed at decreasing discrimination against Black and female applicants.⁶⁰

⁵⁶ Nick Valencia, et al., *Nearly 3 Years After Ronald Greene's Death, Family Members And Some Lawmakers Say Police Have Avoided Accountability*, CNN (Apr. 15, 2022), <https://www.cnn.com/2022/04/15/us/ronald-greene-death-accountability/index.html>.

⁵⁷ *Family of Alton Sterling Has Accepted \$4.5 Million For His Killing By Police*, NPR (June 14, 2021), <https://www.npr.org/2021/06/14/1006216612/family-of-alton-sterling-has-accepted-4-5-million-for-his-killing-by-police>.

⁵⁸ Jim Mustian and Jake Bleiberg, *Beatings, Buried Videos A Pattern At Louisiana State Police*, AP News (Sep. 9, 2021), <https://apnews.com/article/police-beatings-louisiana-video-91168d2848b10df739d73cc35b0c02f8>; *3 Louisiana State Troopers Are Charged In The Beating Of A Black Motorist*, NPR (May 12, 2022), <https://www.npr.org/2022/05/12/1098564547/louisiana-troopers-charged-beating-black-man>.

⁵⁹ *Mustian and Bleiberg, supra* n.59.

⁶⁰ Terry L. Jones, *After 39 Years, Baton Rouge Released From Federal Consent Decree On Racial, Gender Hiring Disparities*,

The New Orleans Police Department since 2012 has operated under a consent decree intended to address a longstanding pattern of civil rights violations.⁶¹ Just last month, the United States Justice Department announced an investigation into the Louisiana State Police's use of excessive force and discriminatory policing practices.⁶² These actions to expose discriminatory policing are the tip of the iceberg. The American Civil Liberties Union alone has sued 25 police departments across 15 parishes in recent years, with allegations ranging from excessive use of force and assault to wrongful death.⁶³

Louisianans of all races are well aware of the pervasive nature of police use of excessive force against the State's Black residents. As a speaker at the New Orleans roadshow stated:

The Advocate, June 4, 2019,
https://www.theadvocate.com/baton_rouge/news/crime_police/article_d014e42e-8704-11e9-a75e-dbb2d8387744.html#:~:text=The%20consent%20decree%20prohibited%20the,black%20police%20and%20fire%20recruits.

⁶¹ *New Orleans Police Department Consent Decree*, City of New Orleans, <https://www.nola.gov/nopd/nopd-consent-decree/> (last accessed July 16, 2022).

⁶² *Justice Department Announces Investigation of the Louisiana State Police*, U.S. Dep't of Justice (June 9, 2022), <https://www.justice.gov/opa/pr/justice-department-announces-investigation-louisiana-state-police>.

⁶³ *ACLU's Justice Lab Campaign Sues 25 Louisiana Police Departments For Racist Misconduct*, ACLU Louisiana (Dec. 21, 2021), <https://www.laclu.org/en/press-releases/aclus-justice-lab-campaign-sues-25-louisiana-police-departments-racist-misconduct>.

My hardest lesson came . . . listening to an African American friend tell [] me she's terrified her son will be killed by police if he doesn't get treatment for his mental health condition because he sometimes stands on the corner and paces.⁶⁴

Louisiana's elected officials have repeatedly rejected legislation supported by Black communities that would address racial disparities in policing.⁶⁵ For example, in 2020, every Louisiana congressperson except for the one representing the only majority-Black district voted against the George Floyd Justice in Policing Act, which included a host of reforms aimed at improving policing practices.⁶⁶ In 2021, the state senate judiciary committee rejected a bill to limit police officers' broad qualified immunity from civil lawsuits; the four white committee members voted against the bill while the two black committee members voted for it.⁶⁷

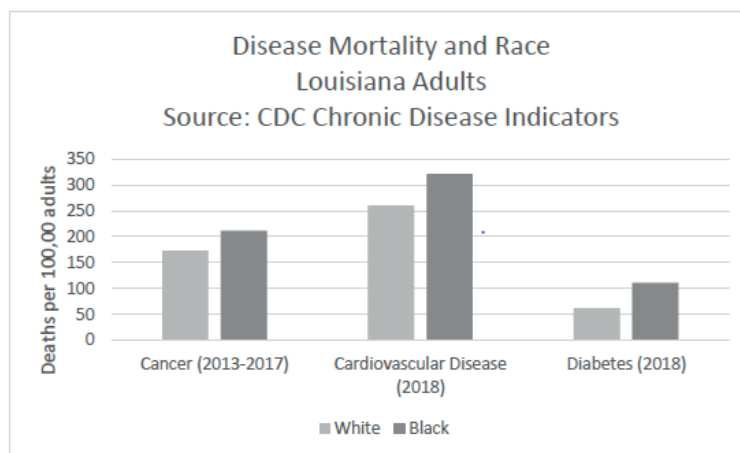
⁶⁴ New Orleans Roadshow Tr. 57:20-58:4, ECF.169-185.

⁶⁵ See, e.g., *SW La. group urging support for George Floyd Justice in Policing Act*, American Press (Apr. 26, 2021), <https://www.americanpress.com/2021/04/26/sw-la-group-urging-support-for-george-floyd-justice-in-policing-act/>.

⁶⁶ Allison Stevens and Jarvis Deberry, *House Democrats and 3 Republicans pass George Floyd Justice in Policing Act*, Louisiana Illuminator (June 27, 2020), <https://lailluminator.com/2020/06/27/house-democrats-and-3-republicans-pass-george-floyd-justice-in-policing-act-with/>.

⁶⁷ Melinda DeSlatte, *Louisiana Senators Refuse to Limit Police Officer Immunity*, AP News (June 1, 2021), <https://apnews.com/article/louisiana-police-government-and-politics-17e06976acab34fff0f91366348a5a48>.

2. **Health.** Black Louisianans have materially worse health outcomes than white Louisianans. As shown in the chart below, Black Louisianans die from diabetes, cardiovascular disease, and invasive cancers at higher rates than white Louisianans.⁶⁸



These health disparities translate into dramatic differences in mortality. On average, white men live over seven years longer than Black men in the State, while white women live over five years longer than Black women.⁶⁹ Black women are four times more likely than white women to die from complications arising from pregnancy.⁷⁰ Infant and child mortality

⁶⁸ECF.41-3 124 (citing statistics from the Center for Disease Control and Prevention).

⁶⁹ *Id.* at 125.

⁷⁰ Addressing Disparities in Maternal and Child Health Outcomes for African Americans, Louisiana Department of Health, at 2 (Sept. 2019), <https://ldh.la.gov/assets/docs/LegisReports/SR240HR294RS201992019.pdf>.

rates among Black children are approximately double those of white children.⁷¹

These racial disparities in health and mortality are explained, in part, by disparities in access to healthcare. Black Louisianans are more likely than white Louisianans to be uninsured, and more likely to forego seeing a doctor because of cost.⁷²

Even when they can afford care, Black Louisianans often face a lack of access to healthcare clinics in their neighborhoods. As stated by Vance Alexander Price at the Monroe redistricting roadshow:

“We don’t have any healthcare clinics, after care clinics, or surgical clinics, and . . . our senior citizens [] don’t have easily accessible transportation.”⁷³

Compared with white neighborhoods, parts of the State with high concentrations of Black residents have had access to fewer vaccination sites for COVID-19.⁷⁴ As Mr. McClanahan testified at the preliminary injunction hearing in *Robinson*:

We realized when COVID first came on there was an inordinate number of

⁷¹ ECF.41-3 125.

⁷² *Id.* (citing a 2020 Kaiser Family Foundation survey).

⁷³ Monroe Roadshow Tr. 88:11-15, ECF.169-178.

⁷⁴ Sean McMinn et al., *Across The South, COVID-19 Vaccine Sites Missing From Black And Hispanic Neighborhoods*, NPR (Feb. 5, 2021), <https://www.npr.org/2021/02/05/962946721/across-the-south-covid-19-vaccine-sites-missing-from-black-and-hispanic-neighbor>.

Blacks dying. We said, ‘Everybody catches COVID, looks like. Why are so many of us dying?’ Because it was found out access to quality healthcare was limited in the Black communities.⁷⁵

Louisiana’s infamous “Cancer Alley” illustrates the State’s disregard for the health of its Black citizens. That area, a stretch of heavily Black residential neighborhoods between New Orleans and Baton Rouge, is home to a large number of chemical plants and refineries.⁷⁶ Black residents in these areas, who must live with the pollutants from those facilities, suffer from increased rates of cancer, asthma, and other illnesses.⁷⁷ For example, in St. James Parish, cancer risks in the Black-populated areas of the parish are approximately 1.7 times higher than those of white areas.⁷⁸ As Dr. Nairne testified at the preliminary injunction hearing:

Looking at [] my neighbors across the street, next to me, even my own mother who had a tumor the size of a soccer ball in her belly. And so, you know, just cancer is everywhere. And, you know,

⁷⁵ ECF.162-1 29:15-19.

⁷⁶ ECF.41-3 126.

⁷⁷ *Id.*

⁷⁸ Catherine Coleman Flowers, *Hurricane Ida shows the one-two punch of poverty and climate change*, *Nature* (Sept. 21, 2021), <https://www.nature.com/articles/d41586-021-02520-8>.

if it's in my own house, then is it in me too?⁷⁹

In part because of the lack of fair and equal representation for Black communities, Louisiana's State government and congressional delegation have done little to address these persistent health disparities. For instance, the Build Back Better Act included provisions to improve maternal health and provide health insurance coverage to tens of thousands of Louisianans.⁸⁰ All but one Louisiana congressperson (the representative of its sole majority-Black district) voted against the bill.⁸¹

IV. The 2021–22 Redistricting Cycle in Louisiana Confirms the Continued Necessity of the Voting Rights Act.

The 2021–22 redistricting cycle in Louisiana exemplifies the State's lack of responsiveness to its Black citizens and the crucial need for a meaningful cause of action under the Voting Rights Act to remedy redistricting plans that fail to provide minority voters with an equitable opportunity to elect their candidates of choice. At each step of the legislative redistricting

⁷⁹ ECF.213 68:22-69:1.

⁸⁰ The Build Back Better Framework Will Deliver for Louisiana, The White House (accessed July 12, 2022), https://www.whitehouse.gov/wp-content/uploads/2021/10/Louisiana_BBB-State-Fact-Sheet.pdf.

⁸¹ Mark Ballard, *Louisiana Republicans Reject Infrastructure Bill Negotiated By GOP Senator Bill Cassidy that Passed Congress*, The Advocate, Nov. 6, 2021, https://www.theadvocate.com/baton_rouge/news/politics/article_d663dab8-3f28-11ec-bd87-bb48a3b7c437.html.

process, Black Louisianans tried to persuade the Legislature to enact a congressional map with two districts in which Black voters would have a meaningful opportunity—despite extreme racially polarized voting—to elect their candidates of choice. Testimony by Black Louisianans spanned the recent and continued impacts of Louisiana’s racist history, the disenfranchisement Black Louisianans experience, and the deep, pervasive inequalities Black Louisianans face across numerous metrics. And at every turn, state legislators resisted these calls. The Legislature’s flagrant disregard for the pleas of Black Louisianans for fair representation reinforces the need for an effective judicial remedy under Section 2 of the Voting Rights Act to safeguard the right of Black Louisianans to participate equally in the political process.

1. In advance of the congressional redistricting session, Louisiana’s Joint House and Senate Governmental Affairs Committees conducted a series of public hearings or “roadshows,” across the State, to solicit public comment and testimony about redistricting. Citizens participating in the roadshows were assured from the outset that their input was “absolutely vital to this process,”⁸² that their input “matter[ed],” and that legislators would “use it [to] begin the process of drafting redistricting plans.”⁸³

Throughout the roadshow hearings, thousands of speakers from across the State provided extensive testimony about the continued disparities experienced by Black Louisianans and the need for greater political representation to remedy the State’s longstanding

⁸² ECF.173 4; ECF.169-178 3:15-16.

⁸³ ECF.169-178 3:16-19.

history of racial discrimination.⁸⁴ At the Baton Rouge roadshow, for instance, Frankie Robertson, founder of a maternal health advocacy firm, testified that maternal health disparities disproportionately affect Black Louisianans and the importance of fair redistricting to begin to address those disparities. She stated:

[T]here is genuine interest about why black women are having disproportionate health outcomes in our state . . . It's the systems and the policies and the infrastructure that's in place that are creating inequitable outcomes that are bearing on the shoulders of black women who then are of child bearing age to give birth. . . What you are about to embark upon and what you've already began to embark upon with drawing equitable maps across our state. Those types of actions impact the overall lives of the constituency.⁸⁵

Other witnesses testified about disparate access to broadband internet among Black Louisianans compared to white Louisianans, and how this disparity reflects “that one community has a louder voice than others when it comes to getting the resources we need.”⁸⁶

Witnesses also urged the Legislature to consider the State's long history of racial discrimination and voter suppression. One witness testified that “for far

⁸⁴ ECF.162-2 248:2-18.

⁸⁵ Baton Rouge Roadshow Tr. 105:10-24, ECF.169-182.

⁸⁶ Shreveport Roadshow Tr. at 83:14-17, ECF.169-179.

too long, minorities have been deprived of a fair opportunity to participate in developing the laws and policies that affect them . . . Let's not continue [this] disenfranchisement . . . It's time to change. The only fair maps will create two majority-minority [congressional] districts.”⁸⁷ Another witness testified about the ways in which “communities of color in particular suffered under Jim Crow rules, corruption, hatred, discrimination, and racism.” As a result, “over the years, [these communities] have struggled to receive basic public services from their government. Their voices did not have the power to be properly represented” and “basic services” like “access to public water [and] dependable electricity” were “denied to them.”⁸⁸ That witness urged the Legislature to adopt a congressional map with two majority-Black districts “so that the specific interest of our communities of color are heard and we, too, have access to the laws and privileges as citizens” of Louisiana.⁸⁹

In all, nearly two-thirds of the written comments that expressed an opinion on the topic supported drawing a second majority-Black district.⁹⁰ A coalition of advocates and social justice organizations—including several of the plaintiffs in *Robinson*—submitted to the Committees seven congressional maps with two majority-Black districts illustrating that the creation of such a map was both feasible and fair.⁹¹

⁸⁷ ECF.169-185 93:1-4, 94:1-44, .

⁸⁸ Thibodaux Roadshow Tr. 47:3-11, ECF.169-186.

⁸⁹ *Id.* at 48:1-4.

⁹⁰ ECF.41-3 136.

⁹¹ Oct. 8, 2021 Submission from NAACP, Appendix 1, ECF. 169-23.

This public testimony went largely unheeded. Ashley Shelton, the President of *amicus* Power Coalition for Equity and Justice, testified that she witnessed legislators “doodling, not looking up” while “people [were] telling their story of [] generations” of work “to ensure that they had the right to vote . . . folks [were] looking down and not paying attention.”⁹²

2. Following the roadshows, the Legislature convened on February 1, 2022 to begin the redistricting process, and on February 18, 2022, adopted a congressional plan with one single majority-Black district and five districts with large white voting-age majorities.⁹³ Numerous maps with two majority-Black congressional districts—fourteen in total—were introduced during the legislative session.⁹⁴ Not one of those bills made it out of committee for an open, transparent, and responsive debate on the House or Senate floors.⁹⁵ Bills with only one majority-Black district, by contrast, were rushed through committee with insufficient time for debate and public comment.⁹⁶

Louisiana citizens continued to urge the Legislature to adopt a congressional map with two districts

⁹² ECF.213 198:2-9.

⁹³ ECF.173 4.

⁹⁴ Senate Bill (“S.B.”) 2, ECF.169-52; S.B. 4, ECF.169-53; S.B. 6, ECF.169-54; S.B. 9, ECF.169-55; SB 10, ECF.169-56; S.B. 11, ECF.169-57; S.B. 18, ECF.169-60; House Bill (“H.B.”) 4, ECF.169-63; H.B. 5 ECF.169-64; H.B. 7, ECF.169-65; H.B. 8, ECF.169-66; H.B. 9, ECF.169-67; H.B. 12, ECF.169-68; H.B. 19, ECF.169-69.

⁹⁵ *See generally*, 2022 House and Senate First Special Legislative Session Hr’g Trs. ECF.192-218.

⁹⁶ *See, e.g.*, Feb. 4, 2022 HGA Committee Hr’g Tr. 30:4-32:12, ECF.162-196.

in which Black Louisianans would be able to elect their candidates of choice. Betty Ward Cooper testified at the Senate Governmental Affairs hearing on February 2 that there “should be another minority district” because Black voices in Louisiana were “not being heard.”⁹⁷ *Amicus* Davante Lewis appealed to legislators to afford Black Louisianans an equal opportunity to participate in the political process by enacting a map with a second majority-Black congressional district. Mr. Lewis testified at the House Governmental Affairs hearing:

I’ve been to almost every committee hearing, and I constantly hear a cry from people, let my voice be heard, equal representation . . . I’ve heard Black people say, give me an opportunity and they haven’t been heard. And so, all I’m asking is that this committee gives Black people . . . the same privilege that we give [white Louisianans]. . . I want to know why his voice is more powerful than mine. Why do we value the interest of that community more than we value the interest of Black and brown people of this state?⁹⁸

As Mr. McClanahan testified at the preliminary injunction hearing, the map enacted by the Legislature was “not responsive to the pleas of Black Louisianans—it did not reflect the data, the testimony of the

⁹⁷ Feb. 2, 2022 SGA Committee Hr’g Tr. 66:13-16, ECF.169-192.

⁹⁸ ECF.169-196 137:5-24.

public, or the issues raised in the legislative hearings.”⁹⁹ Legislators disregarded the overwhelming support for a second majority-Black district and instead enacted a map that many citizens believed did not provide Black Louisianans with an equal opportunity to be heard and participate in the political process.

3. Throughout the legislative process, legislators offered shifting and tenuous justifications for enacting a map with only one majority-Black district.¹⁰⁰ Months before the roadshows began, the Legislature adopted Joint Rule 21, which outlined the traditional redistricting principles that the Legislature sought to prioritize. Joint Rule 21 included, among other criteria, equal population, respect for political subdivisions, and respect for communities of interest.¹⁰¹ Legislators consistently rejected maps with two majority-Black districts even where the proposed maps adhered more closely to Joint Rule 21 than the enacted map. The *Robinson* district court found that the reasons proffered by the Legislature in favor of the enacted plan “lacked empirical support, were vague or contradictory, or were based on misunderstandings.”¹⁰²

For instance, several members cited population equality as one of their foremost priorities for the enacted map.¹⁰³ Yet, when one State senator presented a congressional plan with lower population deviation

⁹⁹ ECF.173 74; *see also* ECF.212 22:20-23:4.

¹⁰⁰ ECF.173 139-140.

¹⁰¹ Joint Rule 21, ECF.169-219.

¹⁰² ECF.173 139 (citing ECF.41-3 138).

¹⁰³ ECF. 173 139.

and a second majority-Black district, a legislative leader retreated from this justification, claiming—without evidence—that she did not believe the difference in population deviation between the two maps was “significant in terms of the law.”¹⁰⁴ Likewise, legislators supporting the enacted plan also purported to prioritize keeping voting precincts and parishes whole.¹⁰⁵ But they offered no rationale for refusing to consider maps with two majority-Black districts, no split precincts, and fewer split parishes.¹⁰⁶

The State’s justifications for its enacted plan continued to shift throughout the legislative process and in the *Robinson* litigation.¹⁰⁷ During the legislative process and the court proceedings, the defendants sought to justify the enacted plan on the ground that it did the “best job” of “preserving the cores of our current district[s].”¹⁰⁸ But the legislature’s own stated redistricting policies, adopted as Joint Rule 21, expressly *exclude* retention of existing district cores as a criterion for congressional redistricting.

3. After the Legislature submitted to the Governor redistricting bills containing a single majority-Black district, the Governor vetoed them with a message that they violated Section 2 of the Voting Rights Act.¹⁰⁹ When the Legislature voted to override the

¹⁰⁴ ECF.173 139; ECF.41-3 138; Feb. 8, 2022 Senate Floor Debate Tr. 103:23-24, ECF.169-211.

¹⁰⁵ ECF.169-211 89:10-11.

¹⁰⁶ ECF.41-3 142.

¹⁰⁷ ECF.173.

¹⁰⁸ ECF.169-211 129:5-6.

¹⁰⁹ Veto Letter From Governor Edwards to Rep. Schexnayder, ECF.169-222.

Governor’s veto, legislators high-fived and cheered to celebrate the override—a disheartening display for many Black Louisianans who faithfully engaged in the redistricting process to advocate for greater political representation.¹¹⁰

4. Immediately after the enacted congressional redistricting plan became law, *amici* and other Black Louisiana voters commenced litigation seeking judicial relief under Section 2 of the Voting Rights Act. After an extensive briefing and a five-day evidentiary hearing, the U.S. District Court for the Middle District of Louisiana issued a 152-page opinion concluding, under the standards established in *Gingles*, that the enacted plan diluted the votes of Black Louisianans in violation of Section 2. The court preliminarily enjoined the use of the enacted map in any future elections, including the congressional elections in November 2022, and gave the Legislature the opportunity to draw a map that complies with the Voting Rights Act.

5. The Governor called an emergency special session for the Legislature to comply with the district court’s order, but the Legislature continued to delay and obstruct. Despite assurances to the district court that “the Legislature intend[ed] to make a good-faith effort. . . to enact a plan that satisfies the principles the Court articulated,”¹¹¹ the Legislature took no meaningful steps to propose or consider a new map. Rather than take any steps to engage in a “good faith effort,” the Legislature instead requested that the district court extend the time allotted to pass a compliant map. The district court, after hearing testimony from

¹¹⁰ ECF.212 26:3-10; ECF.213 199:5-14.

¹¹¹ Legislative Intervenors’ Mot. For Extension of Time to Enact Plan 2, ECF.188-1.

the leaders of each house of the Legislature, denied the request, finding that in multiple instances the Legislature had previously passed laws, including re-districting plans, in substantially the same time the district court allotted. After the denial of the extension, the State Senate adjourned its special session without enacting a map, and a full three days early. Similarly, the State House devoted only 90 minutes to discussion of the remedial maps on the first day of the special session.¹¹² On the final day of the session, a House committee rejected three bills that would have added a second majority-Black district, with a majority of the Legislature “display[ing] a flippant attitude toward the court’s order.”¹¹³ Most Republican members of the House left the session early.¹¹⁴ Representative Edmond Jordan, flanked by fellow members of the Louisiana Legislative Black Caucus, spoke to a largely empty room about his frustration over the lack of progress during the special session. The State House online streaming feed inexplicably cut out for the duration of his speech. It was restored just before the House adjourned without a map.¹¹⁵

¹¹² Hr’g Tr. for Mot. For Extension of Time 12:13-18, ECF.208.

¹¹³ Will Sentell, *Despite a judge’s order, lawmakers end session without adding 2nd majority-Black district*, The Advocate (June 18, 2022), https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_db98946e-eeab-11ec-a31d-a73215f1f9f2.html.

¹¹⁴ Greg Larose, “Louisiana’s second redistricting session reveals the emperor has no clothes,” Louisiana Illuminator (June 20, 2022), <https://lailuminator.com/2022/06/20/louisianas-second-redistricting-session-reveals-the-emperor-has-no-clothes/>.

¹¹⁵ *Id.*

6. The Legislature's disregard of the testimony of Black citizens throughout the redistricting process is a continuation of a long and unfortunate history of persistent efforts to suppress and dilute the power of Black voters in Louisiana, and pervasive indifference to the basic needs of Black citizens in the State. This stark history of discrimination, and its contemporary manifestations, illustrate the need for a Section 2 framework, such as the one outlined in *Gingles*, that accounts for the myriad ways in which states such as Louisiana historically have suppressed, and continue to suppress, the political participation of Black citizens.

CONCLUSION

The judgment of the district court should be affirmed.

Respectfully submitted.

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