



May 16, 2025

Via CM/ECF

Hon. Adalberto Jordan
Hon. Jill A. Pryor
Hon. Federico A. Moreno
United States Court of Appeals for the Eleventh Circuit
56 Forsyth St. N.W.
Atlanta, GA 30303

Re: *Alpha Phi Alpha v. Secretary of State*, No. 24-10230

Dear Judges Jordan, Pryor, and Moreno:

At argument yesterday in a companion case, the Court asked questions about the number of injured voters included and not included in Black-majority Senate and House districts under the challenged remedial plans. This question is highly relevant to whether the plans “substantially address[] the § 2 violation[s]” proven at trial. *Shaw v. Hunt*, 517 U.S. 899, 917-918 (1996); *see also LULAC v. Perry*, 548 U.S. 399, 430-431 (2006).

The numbers are provided in tables reporting shifts in Black population between the remedial plans and the unlawful 2021 plans within the district-based dilution areas identified by the district court (and separately on a county-by-county basis). *See App’x Vol.III*, pp.39-42 (Dkt.356-3). Total Black VAP for a given geography can be derived from population data in the record, and a “denominator” of injured voters follows therefrom.

A chart setting forth the numbers queried by the Court is below:

	Total BVAP ¹	BVAP in Black-majority districts, 2021 plans ²	BVAP outside Black-majority districts, 2021 plans (<i>i.e.</i> , injured voters) ³	BVAP in Black-majority districts, remedial plans ⁴	BVAP outside Black-majority districts, remedial plans ⁵	Net injured voters added to Black-majority districts (% injured remedied) ⁶
Senate (South Metro)	693,809	505,683	188,126	508,623	185,186	2,940 (1.56%)
House (South Metro)	59,773	31,904	27,869	47,651	12,122	15,747 (56.5%)
House (West Metro)	47,339	33,762	13,577	36,423	10,916	2,661 (19.6%)

These data were undisputed below and on appeal. The district court made no findings on them, although the failure to include injured voters in the remedy, especially striking in the Senate, was the crux of Plaintiffs-Appellants' remedial arguments.

Respectfully,

¹ "Total BVAP" sums Black VAP in the districts comprising the dilution areas identified by the district court (Dkt.333 at 514). District-based demographics are from App'x Vol.III, p.46 (Dkt.356-4) (Senate), pp.172-178 (Dkt.356-21) (House).

² From column "Enacted Majority-Black BVAP" in Appx. Vol.III, p.41 (Senate), p.42 (House).

³ Total BVAP minus BVAP in 2021 Black-majority districts in dilution area.

⁴ From column "Proposed Remedial Majority-Black BVAP" in Appx. Vol.III, p.41 (Senate), p.42 (House).

⁵ Total BVAP minus BVAP in remedial Black-majority districts in dilution area.

⁶ From column "Proposed-Enacted Difference BVAP" in Appx. Vol.III, p.41 (Senate), p.42 (House).

A handwritten signature in blue ink, reading "Ari J. Savitzky". The signature is written in a cursive style with a prominent vertical line for the letter 'A' and a long, sweeping flourish at the end.

Ari J. Savitzky
Counsel for Plaintiffs Appellants

CERTIFICATION

I hereby certify that the body of the foregoing letter, including footnotes, contains 343 words according to the word-processing software used to prepare this Letter. *See* Fed. R. App. P. 28(j).

I certify that on May 16, 2025, I served a copy of the foregoing on all counsel of record by CM/ECF.

Dated: May 16, 2025

/s/ Ari J. Savitzky
Ari J. Savitzky