

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALABAMA LEGISLATIVE)
BLACK CAUCUS, et al.,)

Plaintiffs,)

v.)

THE STATE OF ALABAMA, et al.,)

Defendants.)

CASE NO. 2:12-CV-691
(Three-Judge Court)

ALABAMA DEMOCRATIC)
CONFERENCE, et al.,)

Plaintiffs,)

v.)

THE STATE OF ALABAMA, et al.,)

Defendants.)

CASE NO. 2:12-CV-1081
(Three-Judge Court)

ORDER

The Supreme Court remanded these cases to this Court in *Alabama Legislative Black Caucus v. Alabama*, No. 13-895, and *Alabama Democratic Conference v. Alabama*, No. 13-1138, 575 U.S. ___ (2015). Based on the decision of the Supreme Court, we will determine on remand only whether any of House Districts 19, 32, 52, 53, 54, 55, 56, 57, 58, 59, 60, 67, 68, 69, 70, 71, 72, 76, 77, 78, 82, 83, 84, 85, 97, 98, 99, and 103, or

Senate Districts 18, 19, 20, 23, 24, 26, 28, and 33 were the product of an unconstitutional racial gerrymander. The Supreme Court stated that this Court “remains free to reconsider the [parties’ remaining] claims should it find reconsideration appropriate.” Slip Op. at 23. After careful review of these claims, we find reconsideration of them unnecessary. We note that, in their joint submission regarding scheduling (Doc. 229), the parties declined to request an evidentiary hearing and asked only that they be allowed to refer to records of which this Court may take judicial notice.

We readopt our earlier judgments on all claims that the Supreme Court did not address. We readopt our order of December 26, 2012, in which we granted judgment on the pleadings in favor of the State defendants and against the Black Caucus plaintiffs on the question whether the redistricting plan violates the constitutional guarantee of one-person, one-vote (Doc. 53: 5–10). We readopt our order of August 2, 2013, in which we granted summary judgment in favor of the State defendants and against the Black Caucus plaintiffs’ claim of partisan gerrymandering (Doc. 174: 16–19) and their claim that the redistricting Acts violate the Equal Protection Clause based on the interaction between the Acts and the local legislative system of Alabama (Id. at 31–62). That is, we readopt our decision that the Black Caucus plaintiffs lack standing as to the latter claim because they failed to establish traceability or redressability and so the claim is not justiciable (Id. at 31–37), and we readopt our decision that the claim fails as a matter of law (Id. at 37–62). Finally, we readopt those

parts of our order and final judgment (Docs. 203, 205) that the Supreme Court did not address. We readopt our conclusion that the plaintiffs failed to prove their claim of vote dilution under section 2 (Doc. 203: 99–117). We readopt our conclusion that the plaintiffs failed to prove their claim of intentional discrimination in violation of section 2, the Fourteenth Amendment, and the Fifteenth Amendment (Id. at 118–23). And we readopt those findings of fact that are relevant to all the claims other than the racial gerrymandering claims. (Id. at 13–99). We also readopt our findings of historical facts and findings on witness credibility, but we do not adopt any further findings about the racial gerrymandering claims, including whether traditional districting criteria were subordinated to race in any of the districts.

DONE this 29th day of May, 2015.

William H. Pryor Jr.
UNITED STATES CIRCUIT JUDGE
PRESIDING

W. Keith Watkins
CHIEF UNITED STATES DISTRICT
JUDGE