

VRA REVISITED

1

Louisiana v. Callais Decided

- April 29, 2026
- Supreme Court struck down the Louisiana 2024 Congressional map that had created a 2nd majority-black district
- Split 6/3 along partisan lines (Kagan, Sotomayor, and Jackson dissented)

2

Louisiana v. Callais

- Challenge to Louisiana's 2024 Congressional district plan which includes 2 majority-black districts
- Following the 2020 census, Louisiana drew a plan containing 1 majority-black district
- 2020 plan struck down for violating the VRA and a new plan with 2 majority-black districts passed in 2024
- Claim that the new plan potentially violated the 14th Amendment Equal Protection Clause
- Claim that the 2024 plan constitutes an illegal racial Gerrymander

no state shall "deny to any person within its jurisdiction the equal protection of the laws"

3

Concerned Groups ...

- Supporting the VRA-compliant district plan
 - Civil-rights groups, the League of Women Voters, Lawyers' Committee, Brennan Center, Campaign Legal Center, Louisiana Legislative Black Caucus, et al
 - Claims that compliance with VRA Section 2 is not discriminatory and requires satisfaction of the Gingles test
 - Claims that the new plan balances other redistricting priorities

VRA-Constrained ReCom was not directly used in developing the 2024 Louisiana plan

4

... Concerned Groups

- Groups attacking the 2024 plan
 - Project on Fair Representation, Judicial Watch, Alabama and other states, Pacific Legal Foundation, America First Legal, Landmark Legal Foundation
 - Claims that Section 2, as applied, risks becoming a racial quota or proportionality rule
- Middle ground groups urge the Court to clarify VRA-related districting standards

Many district plans in pre-clearance states contain opportunity districts in which a majority (often a large majority) of the population is African-American

5

Supreme Court Finding

- 2024 Louisiana map was an unconstitutional racial Gerrymander
- Section 2 liability exists only when the evidence supports a strong inference that the state intentionally drew districts to give minority voters less electoral opportunity because of race
- Rejected the idea that disparate electoral results alone can require a race-conscious remedy

Decision reverses the 1982 VRA “intent” doctrine

6

Consequence of Louisiana v. Callais

- Intent is very difficult to prove
- A racial Gerrymander in racially polarized state can easily be described as a political Gerrymander, which is not justiciable by the court
- Racially polarized states will redraw Congressional maps as soon as possible
 - Some (e.g., Louisiana) in 2026
 - Most in 2028
- Early predictions are a loss of 19 African-American representatives

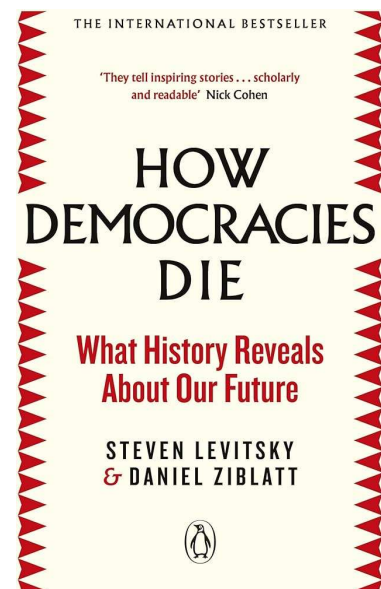
If 2026 primary elections have been concluded, it is impossible to redraw before 2028 election cycle

Current Congress is the most racially diverse – Pew Research

7

Possible Consequences

- Increased polarization of states
- Loss of minority representation in Congress
- Potential racial chaos
- Actions consistent with examples provided in the Levitsky/Ziblatt book



8

Reactions

- “We’re very likely to see the biggest drop in minority representation of the modern era — maybe even bigger than the drop we saw in the end of Reconstruction,” – Nick Stephanopoulos, Harvard
- “The Supreme Court today returned the Voting Rights Act to its original intent, which was to protect against intentional racial discrimination,” – James Blair, President Trump Political Operations Head
- “I’ve vowed to keep Tennessee a red state, and as Governor, I’ll do everything I can to make this map a reality,” – Sen. Blackburn, Tennessee
- Governor Landry (Louisiana) announced he will suspend Map primaries so the state can be redistricted

9

Possible Legislation

- John Lewis Voting Rights Act
 - Would restore and strengthen parts of the VRA (e.g., pre-clearance)
 - 2021 – passed in House, but short of 60 votes in Senate
- Fair Representation Act
 - Would institute multi-member districts with ranked choice voting
 - Reintroduced in 2025
 - Would significantly reduce partisan and racial Gerrymanders

10