

24-110 ROBINSON V. CALLAIS

DECISION BELOW: 732 F.Supp.3d 574

LOWER COURT CASE NUMBER: 3:24-cv-00122-DCJ-CES-RRS

QUESTION PRESENTED:

By January 2024, the Middle District of Louisiana and two separate panels of the Fifth Circuit had unanimously come to the same conclusion: Louisiana's 2022 congressional map likely violated §2 of the Voting Rights Act because it failed to include two districts in which Black voters had an opportunity to elect representatives of their choice. *See Robinson v. Ardoin*, 86 F.4th 574 (5th Cir. 2023). To avoid ceding its districting prerogative to the courts, Louisiana's Legislature enacted Senate Bill 8 ("SB8"), a new plan with two majority- Black districts. SB8 was selected over more compact plans that also satisfied §2 for the avowed political purpose of protecting favored incumbents and damaging a political rival of the Governor.

After an extraordinarily - and improperly - expedited trial, the divided three-judge district court dismissed Louisiana's political rationale for SB8, failed to holistically analyze the plan, and ignored record evidence to conclude that SB8 was an unconstitutional racial gerrymander. The majority never afforded the Legislature the presumption of good faith this Court requires, imposed on the challengers the heavy burden of overcoming that presumption, scrutinized how the specific contours of SB8's Congressional District 6 ("CD6") reflected the Legislature's non-racial objectives, nor required the challengers to identify an alternative map that accomplished Louisiana's political objectives while also resolving the §2 litigation and retaining legislative control of the redistricting process.

The questions presented are:

1. Did the District Court err in concluding that race predominated in the design of CD6 based on the Legislature's stated intent to comply with the rulings of the *Robinson* courts without presuming the good faith of the legislature, attempting to disentangle the Legislature's racial and political considerations, or requiring an alternative map that satisfied both §2 and the Legislature's political objectives, as required by *Alexander v. S. C. State Conf. of NAACP*, 144 S. Ct. 1221, 1233-1234 (2024)?

2. Did the District Court err when it disregarded the rulings of the courts in *Robinson* that the *Gingles* preconditions could be (and had been) satisfied and instead required that the State's enacted map satisfy the first *Gingles* precondition to survive strict scrutiny?

3. Did the District Court err in failing to accord the Louisiana Legislature sufficient breathing room to account for political considerations that resulted in a less compact district than necessary to satisfy §2?

4. Did the District Court err in relying on extra-record evidence and ignoring the evidence in the record on SB8's respect for communities of interest in concluding that SB8 failed to satisfy strict scrutiny?

5. Did the District Court abuse its discretion by unnecessarily expediting the proceedings and limiting the evidence presented in this complex, fact-intensive case?

CONSOLIDATED FOR ONE HOUR ORAL ARGUMENT WITH 24-109.

JURISDICTION NOTED 11/4/2024