

*Sent via email*

Senate and House Governmental Affairs Committees  
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**Re: Recent Federal Court Ruling in Alabama Congressional Redistricting**

Dear Chair Stefanski, Chair Hewitt, and Other Members of the House and Senate Governmental Affairs Committee:

The NAACP Legal Defense Fund, Inc. (“LDF”) writes to alert you to a federal court ruling in the Northern District of Alabama last week, in which a three-judge panel unanimously held that the congressional redistricting plan enacted by the State of Alabama likely violated Section 2 of the Voting Rights Act (“Section 2”) because it failed to provide Alabama’s Black voters with an equal opportunity to participate in the political process and elect candidates of their choice. *Milligan v. Merrill*, No. 2:21-cv-01530, Doc. 107 (N.D. Ala. Jan. 24, 2022). We are providing you with a copy of this ruling along with this letter.

We urge you to carefully consider this ruling in light of your obligation to comply with Section 2 during the upcoming redistricting special session, especially because Black Louisianans are even more severely underrepresented in the congressional delegation than Black Alabamians. Alabama’s population is 27.1% Black, but only one of the seven districts in the congressional map that was struck down by the federal court is majority-Black (14.2% of seats). In Louisiana, that disparity is even more severe: the population is 33.1% Black, but only one of the six districts in the current congressional map is majority-Black (16.7% of seats).<sup>1</sup>

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<sup>1</sup> The converse is also true: The three-judge panel in *Milligan* acknowledged that “white Alabamians are over-represented because 86% of congressional districts are majority-white, but [non-Hispanic] white Alabamians comprise only 63% of the population.” See *Milligan* at p. 194. White Louisianans are similarly over-represented in Louisiana, where 83% of congressional districts are majority-white, but non-Hispanic white Louisianans comprise only 58% of the population.

As we have explained in our previous submissions to you on October 18, 2021<sup>2</sup> and December 14, 2021,<sup>3</sup> you have an affirmative obligation to ensure compliance with the Voting Rights Act, including by considering whether it is necessary to develop an additional majority-Black district to provide Louisiana’s Black voters with an equal opportunity to elect candidates of their choice. We are happy to discuss our concerns further and provide assistance to ensure that you develop a redistricting plan that satisfies your obligations under the Voting Rights Act and U.S. Constitution. If you have questions about the implications of the ruling in Alabama, feel free to contact LDF Redistricting Counsel Kathryn Sadasivan at [ksadasivan@naacpldf.org](mailto:ksadasivan@naacpldf.org).

Sincerely,

*/s/ Kathryn Sadasivan*

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Cc: Office of Governor John Bel Edwards

NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase

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<sup>2</sup> See NAACP Legal Defense and Educational Fund, Inc., *Congressional Redistricting Compliance with Section 2 fo the Voting Rights Act* (Oct. 18, 2021), <https://www.naacpldf.org/wp-content/uploads/2021.10.18-Letter-re-Louisiana-Congressional-Redistricting.pdf>.

<sup>3</sup> See NAACP Legal Defense and Educational Fund, Inc., *Response to Chair Stefanski’s November 22 Press Conference Remarks Concerning Congressional Redistricting*, <https://www.naacpldf.org/wp-content/uploads/2021.12.14-Louisiana-Congressional-Redistricting-Advocacy-Follow-Up-Letter.pdf>.

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access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.