

Federal Court Rejects Latest Alabama Congressional Map

Court orders special master to redraw map to ensure Black voters have an opportunity to elect candidates of choice

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BIRMINGHAM, Ala. — A federal court today rejected Alabama's new congressional map due to its failure to remedy the violation of the Voting Rights Act (VRA) of 1965, ordering a special master redraw the map to include two districts where Black voters have an opportunity to elect candidates of their choice.

In June, following a legal challenge in *Allen v. Milligan*, the U.S. Supreme Court affirmed the trial court's ruling that struck down Alabama's 2021 map and required a new map that no longer illegally dilutes the power of Black voters in Alabama. The initial map denied Black voters an opportunity to elect candidates of their choice in all but one of seven districts — even though Black voters make up 27 percent of the voting-age population.

The Alabama Legislature convened in July and created a new map that is also discriminatory and fails to comply with the Voting Rights Act, prompting plaintiffs to continue their challenge.

Plaintiffs Evan Milligan, Khadidah Stone, Letetia Jackson, Shalela Dowdy, Greater Birmingham Ministries, and the Alabama State Conference of the NAACP are represented by the Legal Defense Fund, American Civil Liberties Union, ACLU of Alabama, Hogan Lovells LLP, and Wiggins, Childs, Pantazis, Fisher & Goldfarb.

They were back in court on Aug. 14 for a hearing challenging the Legislature's 2023 proposed map. While today's ruling is a promising step in the fight for a fair map, the Legislature's outright defiance at the hearing indicates that it is far from over. The three-judge panel called out the Legislature for defying its order, assigning to a special master the task of drawing a remedial map that adds a second opportunity district to give Black voters the representation they deserve.

The following reactions are from:

***Allen v. Milligan* plaintiffs' joint statement:** "Our nation's highest court required Alabama to draw a map to fairly represent Black voters — yet the state refused. Alabama openly admits its intention to defy the law and the U.S. Supreme Court. But we will not back down. Sixty years ago, former Governor George Wallace stood in the schoolhouse door to stop Black people from desegregating the University of Alabama. He moved only when the federal government forced him to do so. History is repeating itself and the district court's decision confirms that Alabama is again on the losing side. We demand that Alabama again move out of the way and obey our laws — we demand our voting rights."

LDF Deputy Director of Litigation Deuel Ross: "Once again, Alabama has openly defied our laws in order to disenfranchise Black voters. Thankfully, the district court has rejected Alabama's defiance. The court has once again confirmed that Black voters deserve two opportunity districts. We look forward to ensuring that the special master draws a map that provides Black voters with the full representation in Congress that they deserve."

Davin Rosborough, senior staff attorney, ACLU's Voting Rights Project: “We are gratified the court has seen through Alabama’s gamesmanship and once again rejected a congressional map that discriminates against Black voters.”

JaTaune Bosby Gilchrist, ACLU of Alabama executive director: “Twice, Alabama lawmakers have been asked to draw fair congressional districts that give Black Alabamians the opportunity to elect a candidate of their choice. And twice, a panel of federal judges have found that Alabama lawmakers failed to do so. Elected officials ignored their responsibilities and chose to violate our democracy. We hope the court's special master helps steward a process that ensures a fair map that Black Alabamians and our state deserve.”

Ruling: <https://www.aclu.org/documents/order-milligan-v-allen-9-5-2023>