

Nos. 24-109, 24-110

IN THE
Supreme Court of the United States

LOUISIANA, *Appellant,*
v.
PHILLIP CALLAIS, *et al.*, *Respondents.*

PRESS ROBINSON, *et al.*, *Appellants,*
v.
PHILLIP CALLAIS, *et al.*, *Respondents.*

ON APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

**AMICI CURIAE BRIEF OF REPRESENTATIVES
TROY CARTER, YVETTE CLARKE, AND MEMBERS
OF CONGRESSIONAL BLACK CAUCUS OF THE U.S.
SENATE AND U.S. HOUSE OF REPRESENTATIVES
IN SUPPORT OF APPELLANTS**

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INTERESTS OF *AMICI CURIAE*¹

Amici are honored to appear before the Court on behalf of communities spanning the entire Nation, from California to New York and across the states in between.

Representative Troy Carter represents Louisiana's 2nd Congressional district, which currently spans most of the Orleans and Jefferson Parishes and snakes up the Mississippi River to include many of Louisiana's River Parishes. Representative Carter is deeply connected to the region and its people. In the course of advocating for his constituents, Representative Carter has partnered with members of both parties, including Majority Leader Steve Scalise on a bipartisan proposal that would increase Louisianians' share of energy revenues.

Representative Yvette Clark represents New York's 9th Congressional district, covering much of central and southern Brooklyn. A lifelong Brooklyn resident, she has long championed issues affecting her diverse community and currently serves as Chair of the Congressional Black Caucus ("CBC"). Representative Clarke also sits on the House Energy and Commerce Committee, where she advocates on matters of technology, health, and consumer protection.

In the 119th Congress, the CBC consists of sixty-two members of the House of Representatives and the Senate.

1. Pursuant to Supreme Court Rule 37.6, counsel for *amici curiae* states that no counsel for a party authored this brief in whole or in part. No counsel or party made a monetary contribution intended to fund the preparation or submission of this brief, and no person other than *amici* or its counsel made such a contribution.

For more than half a century, the CBC has fought to empower African Americans and other underrepresented groups, ensuring their voices are heard in the halls of Congress and throughout the Nation.² The CBC has long championed reforms to the criminal justice system, opposed efforts at voter suppression, and promoted broader access to quality health care, among other vital initiatives. The CBC’s founding members conceived of it as a nonpartisan association, and it has a storied history of bipartisan cooperation in pursuit of equal justice and opportunity for all.

Consistent with their commitment to “using the full Constitutional power, statutory authority, and financial resources of the federal government to ensure that African Americans and other marginalized communities in the United States have the opportunity to achieve the American Dream,”³ the CBC has spearheaded and supported a multitude of initiatives with far-reaching positive impacts for the nation and its communities. In the 118th Congress, CBC members advanced a myriad of legislation and commissions consistent with the CBC’s mission to improve the lives of marginalized populations. For example, in 2019, Congressman Veasey introduced the Postage Free Ballot Act in Congress, which aims to make mail-in ballots free in federal and local elections, benefitting low-income communities engaging in the election process.⁴ Introduced

2. *About the CBC*, CONG. BLACK CAUCUS, <https://cbc.house.gov/about/> (last visited Aug. 26, 2025).

3. *Id.*

4. Press Release, Rep. Veasey, Rep. Veasey Intros Bill to Make Mail-In Ballots Free in Local and Federal Elections (Mar. 7, 2019), <https://veasey.house.gov/media-center/press-releases/rep-veasey-intros-bill-to-make-mail-in-ballots-free-in-local-and-federal>.

legislation, such as this, illustrates the CBC’s detailed and multi-faceted commitment to ensuring that every community has equal access to the ballot box, regardless of economic means. More recently, Representative Nikema Williams introduced one of the most comprehensive voting rights legislation packages in American history, including ten bills to expand voting rights.⁵ One of these bills, the Expanding the Vote Act, aims to provide “voting materials” in more languages.⁶ Another, the Election Mail Act, seeks to clarify mail-in voting procedures.⁷ Rep. Williams’s efforts, echoing Rep. Veasey’s earlier proposal, have garnered broad support and are pending before Congress.

The CBC frequently lends its collective support to major national priorities. It has consistently defended healthcare initiatives, advocated for student-debt relief, promoted reforms aimed at building community-law enforcement trust, and fought to protect the right to vote. These efforts underscore the CBC’s record of improving the Nation and confronting inequities that demand practical solutions. Through this brief, *amici* reaffirm their commitment to a representative democracy that serves every community. *Amici* recognize that voting systems can yield unintended discriminatory outcomes, and that the Voting Rights Act (“VRA”) and

5. Press Release, Congresswoman Nikema Williams, Congresswoman Nikema Williams Introduces Comprehensive Voting Rights Package to Address Today’s Voter Suppression Tactics (Aug. 6, 2025), <http://nikemawilliams.house.gov/posts/congresswoman-nikema-williams-introduces-comprehensive-voting-rights-package-to-address-todays-voter-suppression-tactics>.

6. Expanding the Vote Act, H.R. 5295, 118th Cong. (2023).

7. Election Mail Act, H.R. 4915, 119th Cong. (2025).

the redistricting remedies it authorizes are indispensable tools for correcting those inequities. These measures give real effect to the Fourteenth and Fifteenth Amendments' guarantees of equal political opportunity.

SUMMARY OF ARGUMENT

Opportunity districts and majority-minority districts ("MMDs") are essential to ensuring all persons have a meaningful voice in the political process. By design, these districts foster integration and civic trust. They require representatives to serve both minority and nonminority constituents, thereby promoting cooperation across racial lines and enhancing the legitimacy of democratic institutions.

These districts also produce leaders who build consensus and deliver results. Members from opportunity districts have repeatedly forged bipartisan coalitions to support and pass legislation on issues ranging from criminal justice reform to public health and education. Their representation reflects the lived diversity of their constituencies and translates into governance that benefits the Nation as a whole.

Striking down Louisiana's second MMD would destabilize this progress. Such a ruling would invite state legislatures to dismantle or dilute existing opportunity districts and would turn back the clock on decades of progress secured under the VRA—progress that gives practical effect to the Constitution's equal protection guarantees. MMDs are not an exception to democratic principles. They are a vital safeguard that ensures our democracy remains representative, inclusive, and strong.

ARGUMENT

I. Opportunity Districts Foster Integration and Cross-Racial Communication

While Appellees’ and the State’s arguments imply that opportunity districts and, in particular, MMDs, should be eliminated, they overlook the tangible benefits these districts provide. Opportunity districts promote cross-racial cooperation between legislators and representatives and foster productive relationships between representatives and their constituents. Opportunity districts are defined as those districts “that allow minority voters to elect its preferred candidate of choice” whereas MMDs are a subset of opportunity districts defined as those districts where “a single racial or language minority constitutes a majority of the population.”⁸ Both have positive effects on minority voter turnout.⁹ To succeed, these districts require representatives to advocate for all constituents—minority and nonminority alike.

Amici recognize that these alliances do not always form easily or without conflict. Yet they also know, from experience, that the enrichment provided by opportunity districts is invaluable, both for minority and nonminority

8. *Understanding Redistricting: Terms You Should Know*, NAT’L CONF. ST. LEGS. (last updated May 2, 2025), <https://www.ncsl.org/redistricting-and-census/understanding-redistricting-terms-you-should-know>.

9. *See* PUB. POL’Y INST. CAL., VOTER TURNOUT IN MAJORITY-MINORITY DISTRICTS 1 (2001); *see also* Peter Miller & Arlyss Herzig, *Voting Rights Act Enforcement Increases Turnout*, BRENNAN CTR. (last updated Apr. 29, 2025), <https://www.brennancenter.org/our-work/research-reports/voting-rights-act-enforcement-increases-turnout>.

voters. Appellees’ argument implies that the creation of a second MMD in Louisiana does not benefit the state.¹⁰ But opportunity districts, including MMDs, foster integration that strengthens Louisiana because they provide more inclusive and representative governance throughout the state.

Representation matters. When a voter knows there is no possibility that they can elect someone who will advocate on their behalf, they are much less likely to participate in the democratic process.¹¹ Losing every election is disheartening.¹² But when voters can see themselves reflected in their representation, it affirms their place in the political process.¹³ Consider Louisiana’s last legislative election, where 71 districts went uncontested.¹⁴ Voter turnout in the 2023 statewide election was at an almost

10. Brief for Appellees at 2, *Robinson v. Callais*, 606 U.S. ____ (2025) (Nos. 24-109 and 24-110) (describing the second majority-minority district as “sinuous,” “jagged,” and “based on racial stereotypes”).

11. Matt A. Barreto, Gary M. Segura, & Nathan D. Woods, *The Mobilizing Effect of Majority-Minority Districts on Latino Turnout*, 98 AM. POL. SCI. REV. 65, 66 (2004).

12. *Id.*

13. *Id.* at 74 (“Having the opportunity to elect a candidate of your choosing is a consistently empowering circumstance.”).

14. See James Finn, *Republicans Win Dozens of Offices in Louisiana After These Candidates Ran Unopposed*, NOLA (Aug. 18, 2023), https://www.nola.com/news/politics/elections/republicans-win-dozens-of-louisiana-races-unopposed/article_fb4358bc-3dd3-11ee-b899-8b0831f1b7fb.html; see also *Election 2023 Unopposed Races*, LA. ST. LEG. <https://legis.la.gov/Legis/Election/Unopposed.aspx> (last visited Aug. 30, 2025).

record-setting low.¹⁵ Democracy cannot survive without active participation, and opportunity districts are a remedy to invigorate voter engagement, foster a legislature that speaks for all, and safeguard the constitutional promise that every vote carries equal weight. Thus, opportunity districts can (and do) benefit Louisiana by, among other things, increasing voter participation in elections and creating a legislature that represents all its citizens.

Social science confirms what lived experience demonstrates. Opportunity districts, including MMDs, promote durable venues for cross-racial political participation and trust. And, empirical work shows that descriptive representation—i.e., electing officials who share demographic characteristics with their constituents—enhances perceptions of legitimacy and increases political efficacy among historically underrepresented groups. Put simply, MMDs are integration engines. They bring voters from different backgrounds into a shared political project, strengthen the sense that government is fair, and encourage sustained participation.¹⁶ These are not

15. Julie O'Donoghue, *Political Scientist Labels Louisiana the "Least-Interested Electorate I've Ever Seen"*, L.A. ILLUMINATOR (Nov. 26, 2023, 5:00 AM), <https://lailluminator.com/2023/11/26/political-scientist-labels-louisiana-the-most-apathy-and-least-interested-electorate-ive-ever-seen/>.

16. See Matthew Hayes & Matthew V. Hibbing, *The Symbolic Benefits of Descriptive and Substantive Representation*, 39 POL. BEHAV. 31, 48 (2017) (finding that when white and Black voters' substantive preferences differed, higher Black descriptive representation actually heightened white voters' evaluations of the legislative process, rather than damaging white voters' perception of process fairness); see also CLAUDINE GAY, *THE EFFECT OF MINORITY DISTRICTS AND MINORITY REPRESENTATION ON POLITICAL PARTICIPATION IN CALIFORNIA* ix (2001) (finding that nonminority voter turnout in California does not suffer in an MMD, and is actually slightly higher in some MMDs).

abstract claims. Indeed, they reflect the way coalitions form and endure in real communities across the Nation.

(a) Opportunity Districts Have Eased Racial Tensions and Bolstered Bipartisan Legislation.

Ronald Reagan commented that the best leaders are “not necessarily [those] who do[] the greatest things,” but rather the ones “that get[] the people to do the greatest things.”¹⁷ By that rubric, representatives from opportunity districts are among the Nation’s most effective leaders. It is well-documented that MMDs in particular fortify American democracy by animating the electorate.

One way that MMDs accomplish this is by building trust and perceived fairness among constituents. The sobering reality is that only 38% of Americans believe that Congress cares about the people it represents while a mere 16% trust the federal government to “do the right thing” most of the time.¹⁸ MMDs often provide an antidote to this widespread disaffection. A series of empirical analyses regarding the effect of descriptive representation found that “high levels of [B]lack descriptive representation can increase evaluations of fairness and satisfaction with a decision-making process, *even when* the outcome of that process is not substantively preferred.”¹⁹ In other words,

17. Tricia McDermott, *Ronald Reagan Remembered*, CBS NEWS (June 6, 2004, 7:54 PM), <https://www.cbsnews.com/news/ronaldreaganremembered/>.

18. PEW RSCH. CTR., AMERICANS’ DISMAL VIEWS OF THE NATION’S POLITICS 27, 53 (2023).

19. Hayes & Hibbing, *supra* note 16, at 31, 47 (emphasis added).

by placing a higher volume of representatives in the House who mirror their constituents, MMDs bolster confidence in Congress regardless of legislative outcomes.

Separately, opportunity districts and MMDs advance the very purposes of the 14th and 15th Amendments (the “Reconstruction Amendments”). Section 2 of the VRA is constitutional precisely because it operationalizes those guarantees, ensuring that minority citizens are not denied a meaningful voice in their democracy. The Reconstruction Amendments were adopted to, among other things, eradicate racial exclusion from the American political process and to ensure that newly enfranchised citizens had a genuine opportunity to elect candidates of their choice. Although critics suggest that opportunity districts divide rather than unify, that claim is belied by the available evidence. Recent research shows that Black-Latino electoral cohesion is strongest in MMDs and that this effect is not attributable to partisanship.²⁰ Far from undermining equal protection, Section 2 enforces it, sustaining a representative system that reflects the diversity of the United States—a welcome development in light of a national political environment marred by the highest levels of polarization since the Civil War.²¹ Section 2 strives to uphold guarantees from the Reconstruction

20. Rene R. Rocha, *Black-Brown Coalitions in Local City Council Elections*, 9 J. RACE ETHNICITY & POL. 443, 452 (2024) (finding “strong evidence of [cohesion between Black and Latino voters] in majority-minority areas” and concluding that this phenomenon is unexplainable by partisanship because it persists in nonpartisan election systems).

21. *Lessons from the Gilded Age to Guide a Return to Equality in America*, GEORGE MASON U. (Nov. 20, 2020), <https://www.gmu.edu/news/2021-11/lessons-gilded-age-guide-return-equality-america>.

Amendments, requiring states to draw districts where minority voters would otherwise be subsumed and silenced, thereby bringing America closer to a society where race does not dictate policy. Opportunity districts and MMDs alike are not a departure from the Constitution, but a direct means of realizing its promise.

The same benefits that flow to constituents are evident in the halls of Congress. All members bring their own experience to Capitol Hill and apply it across a range of political issues, but representatives of opportunity districts provide uniquely valuable insights. Consider *amici* and Representative Hakeem Jeffries (NY-08), for example. Representing the ninth-most Black and sixteenth-most Jewish district in the country, Rep. Jeffries not only recognizes but embraces the challenge of delivering effective representation to such a coalition. In his words, “you’ve got the best of both worlds.”²²

That opportunity districts incubate consensus-builders is borne out by the countless examples of *amici* successfully passing bipartisan legislation. Indeed, Representative Frederica S. Wilson (FL-24) worked with then-Senator Marco Rubio to establish the Commission on the Social Status of Black Men and Boys.²³ This

22. PEOPLE OF THE POD: *Hakeem Jeffries on Israel, Ghana, and Representing Brooklyn* (Am. Jewish Committee, recorded June 1, 2023), <https://www.ajc.org/news/podcast/hakeem-jeffries-on-israel-ghana-and-representing-brooklyn>.

23. Michelle F. Solomon, *President Signs into Law Bill Proposed by FL Congresswoman for Federal Racial Equalities Commission*, LOCAL 10 (Aug. 15, 2020, 5:15 PM), <https://www.local10.com/news/local/2020/08/15/president-signs-into-law-bill->

nineteen-member federal commission includes members of Congress, executive-branch officials, experts, and CBC leadership that investigate systemic disparities affecting Black men (including education, health, criminal justice, employment, mentorship, and violence) and issues annual public reports with policy recommendations. Passed in the House by an overwhelming margin and receiving unanimous support in the Senate before being signed into law by President Donald Trump, this measure illustrates the sort of interracial and bipartisan consensus opportunity district representatives are adept at achieving.

Similarly, Representative Jim Clyburn (SC-6) marshalled the *Brown v. Board of Education* National Historical Park Expansion and Redesignation Act into law by attracting a bipartisan coalition of support including several Republican cosponsors.²⁴ Senator Lindsay Graham notably praised Rep. Clyburn’s role in getting the bill passed, expressing gratitude for “the leadership of Congressman Clyburn.”²⁵ This legislation—which created new National Park Service Areas in four states and DC—illustrates how *amici* leverage their unique skillsets to implement projects national in scope.

proposed-by-fl-congresswoman-wilson-for-federal-racial-equalities-commission/.

24. Press Release, Senator Coons, Senate Passes Coons-Clyburn Bill to Commemorate Brown v. Board of Education Sites Across Multiple States (Apr. 7, 2022), <https://www.coons.senate.gov/news/press-releases/senate-passes-coons-clyburn-bill-to-commemorate-brown-v-board-of-education-sites-across-multiple-states>.

25. *Id.*

Representative Hank Johnson’s (GA-04) efforts to honor the Freedom Riders with a Congressional Gold Medal provides yet another example of MMD representatives embracing a big tent approach. First cosponsored with Representative Nancy Mace (SC-01) in 2023 and then again in 2025, the bill has attracted triple-digit, bipartisan support in the 119th Congress.²⁶ Rep. Johnson’s successful advocacy is intertwined with his representation of an MMD and his acute understanding of its people, particularly his constituent and former Freedom Rider Hank Thomas. The Freedom Rider initiative thus demonstrates how MMD representatives are able to amplify the voices of their constituents and communicate their interests in a way that attracts broad-based support.

Though far from comprehensive, these examples show why *amici* like Representatives Terri Sewell (AL-07) and Sanford Bishop (GA-02) rank among the most bipartisan members of Congress.²⁷ If Congress is to retain some of its most constituent-empowering and productive members, the continued vitality of MMDs is crucial.

26. Press Release, Congressman Johnson, Congresswoman Mace Co-Leading Measure to Honor Freedom Riders With Congressional Gold Medal (Feb. 28, 2023), <https://hankjohnson.house.gov/media-center/press-releases/congressman-johnson-congresswoman-mace-co-leading-measure-honor-freedom>; H.R. Res. 945, 119th Cong.

27. *The Lugar Center—McCourt School of Bipartisan Index, 2023 House Scores*, LUGAR CTR. (2023), <https://www.thelugarcenter.org/ourwork-Bipartisan-Index.html> (last visited Aug. 31, 2025).

(b) Opportunity District Representatives Deliver Cross-Racial Constituent Service.

Opportunity districts and MMDs do not only elect “descriptive representatives,”²⁸ they elevate politicians who strive to represent all of their constituents, including both minority and nonminority constituents. Representatives from MMDs have historically spearheaded and embraced initiatives that focus on place-based problems and benefit all their constituents, regardless of race. The results are concrete.

Democrat Representative Troy Carter of Louisiana’s 2nd Congressional District, an MMD,²⁹ worked with Republican Representative Clay Higgins to introduce criminal justice reform legislation, the TWICE Efficiency (“TWICE”) Act in 2024.³⁰ The TWICE Act makes it easier for previously incarcerated individuals to gain employment as returning citizens.³¹ Rep. Higgins remarked that he was “thankful to [his] Louisiana Brother Congressman Troy Carter for his leadership on TWICE.”³² The TWICE

28. Hayes & Hibbing, *supra* note 16, at 31.

29. *My Congressional District*, CENSUS, <https://www.census.gov/mycd/> (last visited Aug. 28, 2025) (search field 1 for “Louisiana” and field 2 for “Congressional District 2”).

30. Press Release, Congressman Troy Carter, Jr., *Congressman Carter, Higgins Introduce Bipartisan TWICE Act* (Feb. 5, 2024), <https://troycarter.house.gov/media/press-releases/congressman-carter-higgins-introduce-bipartisan-twice-act>.

31. *Id.*

32. *Id.*

Act is one of the most direct examples of how MMD representatives can transcend political ideologies and work together to the benefit of all their constituents.

Majority-minority and opportunity district representatives have been at the forefront of the 21st century’s most ambitious and transformative voting rights legislation. In fact, every single Black-majority and opportunity district representative in the 109th Congress co-sponsored the Voting Rights Act Reauthorization and Amendments of 2006, which ensured that the VRA’s protections would extend for another 25 years.³³ A similar coalition of diverse representatives lent their support to the Help America Vote Act, helping deliver important election integrity and accessibility reforms.³⁴ Most recently, *amici* have steadfastly championed the John R. Lewis Voting Rights Act in Congress. This piece of legislation, an ambitious, “expansive proposal that would reshape U.S. elections,”³⁵ promises to restore the VRA preclearance requirements that were abrogated by *Shelby County v. Holder*.³⁶ In every Congressional session since

33. Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, H.R. 9, 109th Cong. (2006),

34. Help America Vote Act of 2002, H.R. 3295, 107th Cong. (2002),

35. Sarah Ferris, Laura Barrón-López, & Nicholas Wu, *Black Democrats Urge Party to Shift Its Voting Rights Push*, POLITICO (Apr. 22, 2021, 4:30 AM), <https://www.politico.com/news/2021/04/22/black-democrats-voting-rights-484089>.

36. 570 U.S. 529 (2013).

2019, CBC members have introduced the bill and pushed it through the House.³⁷ Although the legislation has yet to overcome a Senate filibuster, the CBC’s persistent efforts to secure the bill’s passage is characteristic of *amici*’s unwavering commitment to protecting the franchise for all Americans.

Rep. Clyburn represents another opportunity district, South Carolina’s 6th Congressional District (*see supra*).³⁸ For more than twenty years, Rep. Clyburn has advocated for the installation of internet broadband across rural communities, which would benefit rural education, healthcare access, and smallbusiness development, among other things.³⁹ As part of the 2021 Bipartisan Infrastructure Law, Rep. Clyburn’s “Accessible, Affordable Broadband for All” campaign received \$65 billion in federal funding.⁴⁰ Having finally “convince[d] Congress that rural America is worth it,” Rep. Clyburn’s

37. Sam Levine, *US House Passes Voting Rights Bill, Restoring Critical Provision of Landmark Law*, THE GUARDIAN (Aug. 24, 2021, 7:25 PM), <https://www.theguardian.com/us-news/2021/aug/24/us-house-passes-voting-rights-bill-preclearance>.

38. *My Congressional District*, CENSUS, <https://www.census.gov/mycd/> (last visited Aug. 26, 2025) (search field 1 for “South Carolina” and field 2 for “Congressional District 6”).

39. George Chidi, *Internet Providers Have Left Rural Americans Behind. One County is Fighting Back*, THE GUARDIAN (Mar. 17, 2024, 7:00 AM), <https://www.theguardian.com/technology/2024/mar/17/rural-broadband-us-internet-providers>.

40. *James E. Clyburn*, U.S. HOUSE, <https://clyburn.house.gov/biography/> (last visited Aug. 26, 2025).

initiative promises tangible benefits to communities across the Nation—regardless of their racial makeup.⁴¹

Rep. Terri Sewell represents Alabama’s majority-minority 7th Congressional District,⁴² which includes parts of the rural Black Belt along with the city of Birmingham. Ten months ago, Rep. Sewell introduced a bill to Congress called the “Rural Hospital Flexibility Act of 2024.”⁴³ The bill paved the way for the federal government “to issue grants to state programs supporting critical access hospitals and rural emergency hospitals.”⁴⁴ This bipartisan legislation aims to serve entire towns, not a single racial group.

Rep. Sanford Bishop represents Georgia’s 2nd Congressional District, another opportunity district.⁴⁵ For many years, Representative Bishop, a Democrat, has coordinated with his Republican colleagues to secure

41. Chidi, *supra* note 39.

42. *My Congressional District*, CENSUS, <https://www.census.gov/mycd/> (last visited Aug. 26, 2025) (search field 1 for “Alabama” and field 2 for “Congressional District 7”).

43. Chance Phillips, *Rep. Sewell Introduces Legislation to Support Rural Hospitals*, ALA. POL. REP. (Nov. 22, 2024, 7:42 AM), <https://www.alreporter.com/2024/11/22/rep-sewell-introduces-legislation-to-support-rural-hospitals/>.

44. *Id.*

45. *My Congressional District*, CENSUS, <https://www.census.gov/mycd/> (last visited Aug. 26, 2025) (search field 1 for “Georgia” and field 2 for “Congressional District 2”).

disaster relief for farmers impacted by natural disasters.⁴⁶ In 2024, he supported the passage of a bipartisan bill that provides significant relief and aid to farmers in the wake of natural disasters.⁴⁷

The creation of opportunity districts like MMDs does not lead to a power grab by the minority community at the expense of nonminority constituents. Instead, representatives from MMDs showcase a long and fruitful track record of practical, balanced lawmaking that creates many win-win outcomes. Representatives from MMDs often have spent their lives fighting for minority voices. They, perhaps more than most in Congress, understand the importance for everyone to be heard.

II. Opportunity Districts Empower and Uplift Marginalized Communities

(a) Opportunity Districts Empower Minority Voters.

The most direct way that opportunity districts like MMDs help realize the promise of American Democracy is by encouraging people to vote. Black citizens vote at

46. Press Release, Congressman Sanford Bishop, Jr., Congressman Bishop Supports Bipartisan Bill that Keeps Government Open, Provides Disaster Relief, Extends Farm Bill, & Delivers Economic Aid to Farmers (Dec. 21, 2024), <https://bishop.house.gov/media-center/press-releases/congressman-bishop-supports-bipartisan-bill-that-keeps-government-open-provides-disaster-relief-extends-farm-bill-delivers-economic-aid-to-farmers>.

47. *Id.*

higher rates in majority-Black districts⁴⁸ and Latinos participate more in majority-Latino districts.⁴⁹ In fact, a 1990s California study found that in ten of California's thirteen MMDs, more than eighteen percent of Latino voters turned up to vote, higher than the average turnout.⁵⁰ In six of these districts, the voter turnout approached or exceeded forty percent, more than doubling the average rate.⁵¹ The pattern was also discernible in California's Black communities, though not as starkly. On average, only eight percent of Black voters cast ballots in congressional races.⁵² However, Black voter turnout exceeded this rate in five of California's thirteen MMDs, ranging from ten to nearly twenty percent and far exceeding the average of Black voter turnout in overall congressional districts.⁵³

The magnitude of this increase in voter turnout demonstrates that “expanding political opportunities for minorities through the creation of new MMDs may be an effective tool for encouraging participation among groups that otherwise might remain on the margins.”⁵⁴ These gains are not zero-sum, either: white turnout does not decrease in MMDs but rather has been observed to

48. GAY, *supra* note 16, at 61.

49. Barreto, Segura, and Woods, *supra* note 11, at 74.

50. GAY, *supra* note 16, at 46.

51. *Id.* at 47 fig. 5.6.

52. *Id.* at 46.

53. *Id.* at 47 fig. 5.6.

54. *Id.* at 63.

increase in Latino-majority districts.⁵⁵ Nor do MMDs prevent nonmajority citizens from obtaining public office: Representative Steve Cohen (TN-09), who is white, represents the congressional district with the third-highest number of Black constituents in the country.⁵⁶

More recent studies affirm these findings. In a 2004 study in Southern California counties, researchers demonstrate that residing in a majority-Latino district ultimately has “a positive effect on the propensity of Latino voters to turn out.”⁵⁷ This study shows that, although “Latinos have historically voted less frequently than non-Hispanics,” Latino communities in MMDs demonstrate a “consistently positive and significant[ly]” higher tendency to vote than average.⁵⁸ Various other studies capture the trend of increased minority voter turnout in Black-majority districts, showing that “[B]lack descriptive representation provides benefits for [B]lack voters . . . through enhanced participation.”⁵⁹

55. PUB. POL’Y INST. CAL., *supra* note 9, at 2.

56. *My Congressional District*, CENSUS, <https://www.census.gov/mycd/> (last visited Aug. 26, 2025) (search field 1 for “Tennessee” and field 2 for “Congressional District 9”).

57. Barreto, Segura, & Woods, *supra* note 11, at 65.

58. *Id.* at 70.

59. Christian R. Grose, *Black-Majority Districts or Black Influence Districts? Evaluating the Representation of African Americans in the Wake of Georgia v. Ashcroft*, in VOTING RIGHTS ACT REAUTHORIZATION OF 2006: PERSPECTIVES ON DEMOCRACY, PARTICIPATION, AND POWER 3, 4, 6 (2007) (listing various studies affirming this observation).

(b) Opportunity Districts Produce Better Policy Outcomes for Minority Voters.

Opportunity districts are more likely to financially benefit their minority constituents through the passage of local, bipartisan legislation. For example, distributive public policies are initiatives that consider “tangible goods delivered to the district” and are more locally focused, as opposed to nationally beneficial policies.⁶⁰ These initiatives are often politically neutral and are thus naturally less partisan.⁶¹ Through this kind of legislation, individual representatives can more easily fund projects for their districts and gain access to party-spanning resources that make their projects more likely to succeed. A Black-majority county with a Black representative will receive around eight more distributive policy projects than one represented by a white representative.⁶² This difference brings concrete financial impact to these counties: each one of these federal projects typically brings in millions of dollars to the locality.⁶³

These studies spotlight the tactile, quantifiable benefits opportunity districts and their representatives provide to minority constituents. Opportunity districts raise the presence of minority staffers, thereby increasing minority representation at a political level to previously undreamt of degrees, and also help direct reinvestment into their

60. *Id.* (arguing that, unlike tangible projects, roll-call voting records are typically more ideological, more theatrical, less concrete, and therefore less revealing of the true on-the-ground impacts of the representatives from MMDs).

61. *Id.* at 5-6.

62. *Id.* at 13.

63. *Id.*

communities, ensuring that minority interests are preserved and strengthened locally. The value of opportunity districts and their representatives to minority constituents and nonminority constituents alike is undeniable.

III. An Adverse Ruling by the Court in *Robinson v. Callais* Will Lead to the Erosion of Majority-Minority Districts Nationwide

For most of U.S. history, congressional MMDs were rare. They began to scale only after Congress enacted the VRA and this Court decided *Thornburg v. Gingles*, which operationalized Section 2’s protection against vote dilution.⁶⁴ In the wake of *Gingles*, litigation from private plaintiffs and voting rights advocates forced jurisdictions to draw effective opportunity districts, and majority-Black house seats nearly doubled from 17 to 32 after the 1990 cycle.⁶⁵ That jump does not—and even today still does not—represent a proportional representation of minority voters,⁶⁶ and is the result of, among other things, the VRA and *Gingles* framework.⁶⁷

64. 478 U.S. 30 (1986).

65. Geoffrey Skelley, *How Majority-Minority Districts Fueled Diversity in Congress*, FIVETHIRTYEIGHT (Aug. 14, 2023, 2:14 PM), <https://fivethirtyeight.com/features/majority-minority-congressional-districts-diversity-representation/>.

66. Katherine Schaeffer, *119th Congress Brings New Growth in Racial, Ethnic Diversity to Capitol Hill*, PEW RSCH. CTR. (Jan. 21, 2025), <https://www.pewresearch.org/short-reads/2025/01/21/119th-congress-brings-new-growth-in-racial-ethnic-diversity-to-capitol-hill/> (highlighting that “Congress remains far less racially, ethnically diverse than U.S. as a whole”).

67. Skelley, *supra* note 65.

Gingles turned the VRA’s results test into a practical redistricting rule. If a minority community is sufficiently large and concentrated, politically cohesive, and typically submerged by bloc voting, Section 2 can compel districts that permit election of preferred candidates. Justice Brennan articulated that at-large or multimember schemes “work[] to dilute the minority vote,” and cannot be defended by sporadic successes.⁶⁸ That doctrinal shift turned scattered representation into durable opportunity.

The lesson is straightforward. MMDs are not a political luxury. Instead, they are the product of federal law and this Court’s doctrine. And, without the protections articulated in *Gingles*, the advances made will collapse to the preVRA status quo. The current landscape shows mid-decade efforts to rework congressional maps in ways that threaten minority opportunity districts.

- The Texas Legislature approved a mid-decade congressional plan that eliminates performing coalition districts to pack and fracture minority communities in Houston, Dallas-Fort Worth, and South Texas.⁶⁹
- The Florida House Speaker created a Select Committee on Congressional Redistricting this month, moving the state toward a midcycle redraw aligned with national efforts, and there are reports

68. *Gingles*, 478 U.S. at 76.

69. Kayla Guo, *Texas Senate Approves GOP Congressional Map, Sending Plan to Abbott’s Desk*, TEX. TRIB. (last updated Aug. 23, 2025), <https://www.texastribune.org/2025/08/22/texas-congressional-redistricting-map-senate-governor-desk/>.

of an official push for an additional congressional seat, which would trigger remapping.⁷⁰

- Missouri Governor Mike Kehoe recently called for a special session of the state legislature to reshape the state’s 5th Congressional District, which includes Kansas City, and to ensure continued majority control.⁷¹
- A number of South Carolina elected officials have called for a mid-decade redraw that would affect South Carolina’s 6th Congressional District.⁷²

These are not hypotheticals. Texas has already redrawn, Missouri is on the brink, Florida has moved procedurally and politically, and South Carolina’s leadership is testing the waters. An adverse ruling here would embolden states to crack and pack minority voters and unravel decades of existing remedies under the guise of midcycle redistricting.

70. Christine Sexton, *Florida to Feds: Give Us Another Congressional Seat or More Federal Funds*, FL. PHX. (Aug. 20, 2025, 6:33 PM), <https://floridaphoenix.com/2025/08/20/florida-to-feds-give-us-another-congressional-seat-or-more-federal-funds/>.

71. Jared Gans, *Missouri Governor Calls Special Session to Address Redistricting*, THE HILL (Aug. 29, 2025, 6:19 PM), <https://thehill.com/homenews/state-watch/5478236-missouri-governor-calls-special-session-to-address-redistricting/>.

72. Josie Frost, *South Carolina Faces Calls for Mid-Decade Redistricting Amid Trends*, NEWS19 (last updated Aug. 13, 2025, 11:14 AM), <https://www.wltx.com/article/news/local/calls-to-redraw-congressional-lines-south-carolina/101-de5e59ea-6591-4168-81d0-9d2cebe706b6>.

America's history with redistricting is convoluted and oftentimes difficult to understand. What is not difficult to understand is that opportunity districts are absolutely essential to minority representation and to preserving and furthering our Nation's marginalized communities. The CBC has long protected the rights of those who have often been rendered voiceless by underrepresentation, or no representation at all. It is imperative that this Court not fall prey to volatile rhetoric and scare tactics meant to divide our country, legislators, and citizens.

As of today, there are 26 Congressional districts in this country with a Black majority.⁷³ These districts span the entire Nation and are made up of wonderfully diverse American communities, and they all are integral to promoting bipartisanship, minority representation, and the values upon which this country was founded. All of these districts' leaders and representatives are working to advocate for all of their constituents, regardless of their ideologies or race.

Amici therefore respectfully requests this Court not to unsettle decades of precedent or disrupt the progress and integration fostered by opportunity districts, which give practical effect to the guarantees of the Fourteenth and Fifteenth Amendments.

73. See Wikipedia, *List of Majority-Minority United States Congressional Districts*, https://en.wikipedia.org/wiki/List_of_majority-minority_United_States_congressional_districts (last visited August 26, 2025).

CONCLUSION

For the foregoing reasons, this Court should reverse.

Respectfully submitted,

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September 3, 2025