From: Michael Pernick <mpernick@naacpldf.org>
Sent: Monday, October 18, 2021 11:13 AM
To: Sen. & Gov Affairs Cmte; House & Governmental Affairs
Cc: Arielle McTootle; Jared Evans; Kathryn Sadasivan
Subject: Written Submission - Congressional Redistricting
Attachments: 2021.10.18 - Letter re Louisiana Congressional Redistricting.pdf

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Good morning,

Attached is a written submission regarding congressional redistricting for distribution to the Committee on House and Governmental Affairs and Committee on Senate Governmental Affairs in advance of the upcoming roadshow, submitted on behalf of the NAACP Legal Defense & Educational Fund, Louisiana State Conference of the NAACP, Power Coalition for Equity and Justice, American Civil Liberties Union of Louisiana, the ACLU Voting Rights Project, Campaign Legal Center, Southern Poverty Law Center Action Fund, Voters Organized to Educate, Voice of the Experienced, Louisiana Progress, Fair Districts Louisiana, E Pluribus Unum, Black Voters Matter Fund, Louisiana Budget Project, League of Women Voters of Louisiana, Urban League of Louisiana, and Crescent City Media Group.

Please feel free to reach out to me with any questions.

Sincerely,
Michael Pernick

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Exhibit
LEG_8

Sent Via Email

October 18, 2021

Senate and Governmental Affairs Committee
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House and Governmental Affairs Committee
Louisiana House of Representatives
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Re: Congressional Redistricting Compliance with Section 2 of the Voting Rights Act

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

The NAACP Legal Defense and Educational Fund, Inc., Louisiana State Conference of the NAACP, Power Coalition for Equity and Justice, American Civil Liberties Union of Louisiana, the ACLU Voting Rights Project, Campaign Legal Center, Southern Poverty Law

Center Action Fund, Voters Organized to Educate, Voice of the Experienced, Louisiana Progress, Fair Districts Louisiana, E Pluribus Unum, Black Voters Matter Fund, Louisiana Budget Project, League of Women Voters of Louisiana, Urban League of Louisiana, and Crescent City Media Group write to highlight your affirmative obligation to comply with Section 2 of the Voting Rights Act ("Section 2") during this reapportionment and redistricting cycle when preparing a new district map to elect Louisiana's six members of the United States House of Representatives. In particular, we urge you to consider whether Section 2 requires this body to enact a map with **two** opportunity districts each comprised of a majority of Black voters ("majority-minority opportunity district"). Under the existing map, there is one majority-minority opportunity district.

It is fair, necessary, and logical that Black Louisianans—who comprise nearly one-third of Louisiana's residents, according to 2020 Census data—have an opportunity to elect their preferred congressional representatives. Members of Congress make decisions and enact policies that impact every aspect of American life, including access to education, economic opportunity, housing, health care, and criminal justice. An additional majority-minority opportunity district, which Section 2 likely requires, would provide Black voters with representation to address the state's pervasive and ongoing record of inequality of opportunity in various aspects of life.

I. Background

In the next few months, the state legislature will redraw district maps for Louisiana's six congressional districts based on data from the 2020 census. Your committees play an important role in that process.[1] It is critical that the state legislature uses this opportunity to remedy the long-standing dilution of Black voting strength in Louisiana's congressional map. Nearly one-third of Louisiana residents are Black,[2] but the state has had only four Black Congresspeople since Reconstruction.[3] This is a direct consequence of the configuration of Louisiana's congressional districts: Black voters are packed into District 2, the state's only majority-minority opportunity district, and Black communities are cracked among the state's five majority-white districts (Districts 1, 3, 4, 5, 6). Although District 2 has elected Black candidates in all but one congressional race over the past 30 years,[4] none of the majority-

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1 Congressional maps are drawn by the state legislature and subject to gubernatorial veto. La. Const. Art. III, § 6.

2 *U.S. Census Bureau QuickFacts*, United States Census Bureau, https://www.census.gov/quickfacts/fact/table/LA/POP010220#POP010220 (last visited Sep. 10, 2021). According to 2020 Census data, the total number of Black Louisiana residents over the age of 18 (also known as the Black voting age population, or BVAP) has increased by 4.4 percent since 2010.

3 *See Black-American Members by State and Territory, 1870–Present*, History, Art & Archives: United States House of Representatives, https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Data/Black-American-Representatives-and-Senators-by-State-and-Territory/ (last accessed Sep. 1, 2021).

4 Voters in District 2 have elected a Black candidate in all but one congressional election since 1990. *See Louisiana's 2nd Congressional District*, Ballotpedia, https://ballotpedia.org/Louisiana%27s_2nd_Congressional_District (last visited Aug. 31, 2021).

white districts have ever elected a Black Congressperson.[5] Simply put, Black voters in Louisiana are afforded less opportunity to elect candidates of their choice than white voters.

II. The State Legislature Has an Obligation to Comply with Section 2 of the Voting Rights Act in Redistricting.

The state legislature has an affirmative obligation to comply with the Voting Rights Act in the redistricting process. In particular, this Committee has an obligation under Section 2 of the Voting Rights Act to ensure that, under the totality of circumstances, racial minority voters, such as Black Louisianans, have equal opportunity "to participate in the electoral process and to elect representatives of their choice."[6] A Section 2 violation may require states, under certain circumstances, to draw majority-minority opportunity districts to provide minority voters with an effective opportunity to elect their preferred candidates.

A chief purpose of Section 2 is to prohibit minority vote dilution at all levels of government.[7] A district map may violate Section 2 when it dilutes the voting power of voters of color, including by "packing" Black voters into districts where they constitute an unnecessarily large majority and depriving them of the opportunity to elect candidates of choice in other districts.[8] Section 2 prohibits minority vote dilution regardless of whether a plan was adopted with a discriminatory purpose.[9] Indeed, Section 2 outlaws redistricting plans that result in a reduced ability of voters of color to elect candidates of their choice.

In *Thornburg v. Gingles*, 478 U.S. 30 (1986), the U.S. Supreme Court set forth three conditions indicating that a districting plan or voting system has resulted in vote dilution. The three "*Gingles* preconditions" are whether: (1) an alternative districting plan can be drawn that includes one or more single-member districts in which the minority community is sufficiently large and geographically compact to constitute a majority in the district; (2) the minority group is politically cohesive in its support for its preferred candidates; and (3) in the absence of majority-minority districts, candidates preferred by the minority group would usually be defeated due to the political cohesion of non-minority voters in support of different candidates.[10] Together, the second and third *Gingles* preconditions are commonly referred to as racial bloc or racially polarized voting.[11]

If these three *Gingles* preconditions are met, a decisionmaker must then evaluate the "totality of circumstances" to determine whether minority voters "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."[12] Courts consider several factors (commonly known as the

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5 *See United States Congressional Delegations from Louisiana*, Ballotpedia, https://ballotpedia.org/United_States_congressional_delegations_from_Louisiana (last visited Aug. 31, 2021).

6 *Thornburg v. Gingles*, 478 U.S. 30, 34 (1986).

7 *See St. Bernard Citizens For Better Gov't v. St. Bernard Par. Sch. Bd.*, No. CIV.A. 02-2209, 2002 WL 2022589, at *10 (E.D. La. Aug. 26, 2002); *Fifth Ward Precinct 1A Coal. & Progressive Ass'n v. Jefferson Par. Sch. Bd.*, No. CIV.A. 86-2963, 1989 WL 3801, at *1 (E.D. La. Jan. 18, 1989).

8 *See Gingles*, 478 U.S. at 46, n.11.

9 *Id.* at 35.

10 *Id.* at 50-51.

11 Racially polarized voting occurs when different racial groups vote for different candidates. In a racially polarized election, for example, Black people vote together for their preferred (frequently Black) candidate, and most non-Black voters vote for the opposing (typically white) candidate.

12 52 U.S.C. § 10301(b); *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 425 (2006).

"Senate Factors") pertaining to the jurisdiction's history of voter discrimination to determine whether the minority vote has been diluted impermissibly.[13] It will be "only the very unusual case in which the plaintiffs can establish the existence of the three *Gingles* factors but still have failed to establish a violation of § 2 under the totality of circumstances."[14]

III. A New Congressional District Map With Only One Majority-Minority Opportunity District Likely Violates Section 2 of the Voting Rights Act.

Based on the results of the 2020 Census, a new congressional district map for Louisiana that includes only one majority-minority opportunity district likely violates Section 2 of the Voting Rights Act. Each of the three *Gingles* preconditions are likely present in Louisiana, and there is ample evidence that under the totality of circumstances, Black voters have less opportunity than other members of the electorate to participate in the political process and elect candidates of their choice.

a. *Gingles* Precondition One: It Is Possible to Draw a Congressional District Map with Two Majority-Minority Opportunity Districts.

It is entirely possible to draw a second majority-minority opportunity district in the six-district congressional map. Appendix 1 provides seven different demonstrative district map plans, based on 2020 Census data, in which two districts are comprised of a majority of Black voters.

In each plan, the Black community, measured by the Black voting age population (BVAP) within each of the two majority-minority opportunity districts, is sufficiently large and geographically compact to satisfy the first *Gingles* precondition. First, each of the seven maps includes a second majority-minority opportunity district (in addition to District 2) where the BVAP is over 50%.[15] Second, as compared to the current map, the illustrative maps include geographically compact communities of Black voters, as reflected by traditional redistricting principles.[16] Indeed, each of the seven illustrative maps is equally or more

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13 Courts examine the "totality of the circumstances" based on the so-called "Senate Factors," named for the Senate Report accompanying the 1982 Voting Rights Act amendments in which they were first laid out. *Gingles*, 478 U.S. at 43-45. The Senate Factors are: (1) the extent of any history of discrimination related to voting; (2) the extent to which voting is racially polarized; (3) the extent to which the state or political subdivision uses voting practices that may enhance the opportunity for discrimination; (4) whether minority candidates have access to candidate slating processes; (5) the extent to which minority voters bear the effects of discrimination in areas of life like education, housing, and economic opportunity; (6) whether political campaigns have been characterized by overt or subtle racial appeals; (7) the extent to which minority people have been elected to public office; (8) whether elected officials are responsive to the needs of minority residents; and (9) whether the policy underlying the voting plan is tenuous. *Id.* at 36-37. However, "there is no requirement that any particular number of factors be proved, or that a majority of them point one way or the other." *Id.* at 45.

14 *Clark v. Calhoun Cty.*, 21 F.3d 92, 97 (5th Cir. 1994).

15 *See infra* Appendix 2. The Supreme Court has held that a minority community is sufficiently large when it "make[s] up more than 50 percent of the voting-age population in the relevant geographical area." *Bartlett v. Strickland*, 556 U.S. 1, 18 (2009).

16 *League of United Latin Am. Citizens*, 548 U.S. at 433 ("While no precise rule has emerged governing § 2 compactness, the inquiry should take into account traditional districting principles such as maintaining communities of interest and traditional boundaries.").

compact than the current map on at least two of the three widely recognized statistical measures of compactness.[17]

As set forth in Appendix 1, there are numerous and varied district configurations with two majority-minority opportunity districts where the BVAP is the numerical majority, and the Black voting community is geographically compact. Accordingly, the first *Gingles* precondition would likely be satisfied if Louisiana's new congressional map fails to provide a second majority-minority opportunity district.[18]

b. *Gingles* Preconditions Two and Three: Louisiana Elections Reflect Racially Polarized Voting Patterns.

There is ample evidence to suggest that the second and third *Gingles* preconditions are satisfied due to Louisiana's well-documented history and ongoing record of racially polarized voting in elections across the state.

Over the past three decades, numerous federal courts have found that racially polarized voting pervades Louisiana statewide and local elections.[19] In the past two decades—including as recently as this year—the Department of Justice (DOJ) has sued local parishes under Section 2 three times; in each case, the DOJ identified racially polarized voting patterns within the parish.[20]

The 2020 congressional elections similarly reflected racially polarized voting patterns. For instance, in the five districts comprised of a majority of white voters, there were four

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17 *See Compactness Reports for Illustrative Maps* (on file with LDF).

18 *See Gingles*, 478 U.S. at 50.

19 A district court recently found that there was sufficient preliminary evidence of racially polarized voting statewide to support plaintiffs' challenge to Louisiana's Supreme Court district map. *Louisiana State Conference of NAACP v. Louisiana*, 490 F. Supp. 3d 982, 1019 (M.D. La. 2020). In *St. Bernard Citizens For Better Government*, the district court found racially polarized voting patterns in statewide gubernatorial elections, as well as local parish elections. *St. Bernard Citizens For Better Gov't*, 2002 WL 2022589, at *7 (E.D. La. Aug. 26, 2002). *See, e.g., Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395, 436-37 (M.D. La. 2017), *rev'd sub nom. Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020) (The district court found that there were racially polarized voting patterns in the parish's judicial elections, and although the Fifth Circuit reversed the district court's decision, it held that the district court did not err in its finding of racially polarized voting); *Citizens for a Better Gretna v. City of Gretna*, 636 F. Supp. 1113, 1124 (E.D. La. 1986); *Major v. Treen*, 574 F. Supp. 325, 337 (E.D. La. 1983) (The court held that there was racial polarization in Orleans Parish).

20 Most recently, in 2021, the DOJ sued the City of West Monroe under Section 2 over its at-large alderman elections. The DOJ contended that there was racially polarized voting sufficient to satisfy *Gingles* because "[i]n contests between Black candidates and White candidates for West Monroe Board of Alderman and other parish, state, and federal positions, White voters cast their ballots sufficiently as a bloc to defeat the minority's preferred candidate." The court agreed and entered a consent decree between the parties. *United States v. City of West Monroe*, No. 21-cv-0988 (W.D. La. Apr. 14, 2021); *see also United States v. City of Morgan*, No. 00-cv-1541 (W.D. La. Aug. 17, 2000) ("Racially polarized voting patterns prevail in elections for the City Council of Morgan City. In contests between [B]lack and white candidates for City Council, [B]lack voters consistently vote for [B]lack candidates and white voters vote sufficiently as a bloc to usually defeat the [B]lack voters' candidates of choice."); *Greig v. City of St. Martinville*, No. 00-cv-00603 (W.D. La. Jun. 3, 2000) (The DOJ asserted that "[e]lections in the City of St. Martinville are racially polarized").

contests in which voters had a choice between Black and white congressional candidates. In each of these four races, white candidates were elected over Black candidates.[21] Therefore, there is ample evidence to support the conclusion that there are racially polarized voting patterns that may satisfy *Gingles* preconditions two and three.

c. Totality of Circumstances: Louisiana's Voters of Color Have Less Opportunity to Elect Candidates of Their Choice.

In addition to the indicia of the three *Gingles* preconditions, under the "totality of circumstances," Black voters have "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice" in Louisiana's congressional elections.[22] Several of the Senate Factors, listed in footnote 13 above, strongly indicate that vote dilution is occurring, including: the extent of the history of voting discrimination in Louisiana (Factor 1); the extent of racially polarized voting in Louisiana (Factor 2); the extent to which Louisiana has used voting practices that may enhance the opportunity for discrimination against Black voters (Factor 3); the extent to which Black voters bear the effects of discrimination in a variety of areas of life (Factor 5); whether political campaigns in Louisiana have been characterized by overt or subtle racial appeals (Factor 6); and the extent to which Black candidates have been elected to public office in Louisiana (Factor 7). The following are a sample of the indicia under the totality of circumstances impacting Black voters' ability to participate equally in Louisiana's congressional elections:

- The state of Louisiana has an extensive history and ongoing record of voting discrimination that has adversely impacted the right of Black and other minority voters to register to vote, to vote, or otherwise to participate in the political process.[23] Since Reconstruction, Louisiana has passed countless laws to deny Black democratic participation, including grandfather clauses, poll taxes, and educational and property qualifications.[24]
- Louisiana has a long history and ongoing record of employing voting practices, such as at-large elections and redistricting, that have diluted the weight of Black Louisianans' vote once they cast them. As mentioned above, the DOJ has sued parishes in Louisiana for violating Section 2's non-vote dilution prohibition three

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21 *See United States House of Representatives elections in Louisiana, 2020*, Ballotpedia, https://ballotpedia.org/United_States_House_of_Representatives_elections_in_Louisiana,_2020 (last accessed Sep. 1, 2021).

22 *Gingles*, 478 U.S. at 36-37 (quoting 42 U.S.C. § 10301(b)).

23 *St. Bernard Citizens For Better Gov't*, 2002 WL 2022589, at *9 (quoting *Citizens for a Better Gretna*, 636 F. Supp. at 1124) ("The history of black citizens' attempts, in Louisiana since Reconstruction, to participate effectively in the political process and the white majority's resistance to those efforts is one characterized by both *de jure* and *de facto* discrimination. Indeed, it would take a multi-volumed treatise to properly describe the persistent, and often violent, intimidation visited by white citizens upon black efforts to participate in Louisiana's political process.")

24 Debo P. Adegbile, *Voting Rights in Louisiana: 1982 -2006*, 17 S. Cal. Rev. L. & Soc. Just. 416-418 (2008).

times over the past thirty years.[25] Most recently, the DOJ successfully challenged the City of West Monroe's at-large alderman elections under Section 2.[26] From the passage of the Voting Rights Act in 1965 until the Supreme Court's *Shelby County v. Holder* decision in 2013, the DOJ blocked nearly 150 proposed changes to voting policies or practices in Louisiana on the grounds that they discriminated against Black voters or diluted Black voting strength, pursuant to Section 5 of the Voting Rights Act.[27]

- Louisiana's statewide district maps have been challenged under the Voting Rights Act in numerous reapportionment cycles since 1965.[28] Indeed, District 2, Louisiana's only majority-minority district, was established in 1983 only after a federal district court held that the 1981 proposed congressional map diluted Black voting power in Orleans Parish by dispersing the parish's Black majority into two different congressional districts.[29]

- Louisiana political campaigns have been characterized by subtle and overt racial appeals impacting the political process. Current U.S. Representative for Louisiana's first congressional district, Steve Scalise, spoke to a white supremacist group in 2002 while serving as a Louisiana state legislator.[30] David Duke, the former grand wizard of the Ku Klux Klan, has run for public office in Louisiana several times; most recently, in 2016, he unsuccessfully ran for U.S. Senate to "defend the heritage of European American people."[31] Even with his explicit ties to white supremacy, Duke received over 58,000 votes.[32] In 2018, a white

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25 *See Cases Rising Claims Under Section 2 of the Voting Rights Act*, Department of Justice, https://www.justice.gov/crt/cases-raising-claims-under-section-2-voting-rights-act-0 (last accessed Aug. 25, 2021).

26 *See United States v. City of West Monroe*, No. 21-cv-0988 (W.D. La. Apr. 14, 2021).

27 *See Voting Determination Letters for Louisiana*, Department of Justice, https://www.justice.gov/crt/voting-determination-letters-louisiana (last accessed Aug. 25, 2021).

28 *See Louisiana House of Representatives v. Ashcroft*, No. 02-0062 (D.D.C. May 21, 2003) (challenge to congressional redistricting after the 2000 census); *Hays v. Louisiana*, 936 F. Supp. 2d 820, 824-826 (M.D. La. 1996) (challenge to congressional redistricting after 1990 Census); *Major v. Treen*, 574 F. Supp. 325 (E.D. La. 1983) (challenge to congressional redistricting after 1980 Census); *Bussie v. Governor of La.*, 333 F. Supp. 452, 454, 463 (E.D. La. 1971) (challenge to state legislative redistricting after 1970 Census).

29 *See Major*, 574 F. Supp at 327. Although this case predated *Gingles*, the district court found that racially polarized voting, combined with "Louisiana's history of racial discrimination, both *de jure* and *de facto*, continue to have an adverse effect on the ability of its [B]lack residents to participate fully in the electoral process." *Id.* at 339-40.

30 Dan Roberts, *Senior Republican Steve Scalise spoke at white supremacist meeting in 2002*, The Guardian, (Dec. 30, 2014), https://www.theguardian.com/us-news/2014/dec/29/senior-republican-steve-scalise-spoke-at-white-supremicist-meeting-in-2002.

31 Camila Domonoske, *Former KKK Leader David Duke Says 'Of Course' Trump Voters Are His Voters*, NPR, (Aug. 5, 2016), https://www.npr.org/sections/thetwo-way/2016/08/05/488802494/former-kkk-leader-david-duke-says-of-course-trump-voters-are-his-voters.

32 *United States Senate election in Louisiana, 2016*, Ballotpedia, https://ballotpedia.org/United_States_Senate_election_in_Louisiana,_2016 (last accessed Sep. 1, 2021).

Tangipahoa School Board Member and candidate for reelection posted a picture of a noose on Facebook with the caption "IF WE WANT TO MAKE AMERICA GREAT AGAIN WE WILL HAVE TO MAKE EVIL PEOPLE FEAR PUNISHMENT."[33]

- In 2001, the St. Bernard Parish School Board was sued under Section 2 for its redistricting plan that eliminated the only district where Black voters had an opportunity to elect a candidate of choice. Lynn Dean, a white state senator who was involved in the redistricting and the highest-ranking public official in the Parish, testified that he use[d] the ["n-word"] and "ha[d] done so recently."[34]

- Black Louisianans continue to experience the brunt of racial discrimination in every sector of public life.[35] Black Louisianans experience higher unemployment rates than white Louisianans. Unemployment data from early 2021 shows that Black people were unemployed at a rate of 12%, compared to 5.3% for white people.[36] Black Louisianans also experience socioeconomic disparities as a result of systemic discrimination. In 2019, 29.4% of Black people lived below the poverty line, compared to 12.5% of white people.[37] Health disparities also persist among Black as compared to white Louisianans. Although only one-third of Louisiana's population, Black people accounted for more than 70% of the people who died of COVID-19.[38]

- Black people have been largely underrepresented in Louisiana public offices.[39] Louisiana has never had a Black U.S. Senator and has not had a Black governor since Reconstruction. As described above, Louisianans rarely elect Black

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33 Caroline Grueskin, *Tangipahoa School Board member who posted noose meme opts for last-minute run for reelection*, The Advocate (Jul. 31, 2018), https://www.theadvocate.com/baton_rouge/news/communities/livingston_tangipahoa/article_e0999182-9506-11e8-bf14-fb6afcf2a6ee.html.

34 *St. Bernard Citizens For Better Gov't*, 2002 WL 2022589, at *10.

35 "Congress and the Courts have recognized the effect lower socio-economic status has on minority participation in the political process." *Id.* In *Citizens for a Better Gretna*, the court found that "depressed levels of income, education and employment are a consequence of severe historical disadvantage" that in turn engenders "depressed levels of participation in voting and candidacy." 636 F. Supp. at 1120.

36 *State unemployment by race and ethnicity*, Economic Policy Institute, https://www.epi.org/indicators/state-unemployment-race-ethnicity/ (last updated July 2021).

37 *Poverty Rate by Race/Ethnicity*, KFF, https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D (last accessed Sep. 1, 2021).

38 *Black Communities Are Hit Hardest By COVID-19 In Louisiana And Elsewhere*, New Orleans Public Radio, (Apr. 6, 2020), https://www.wwno.org/latest-news/2020-04-06/black-communities-are-hit-hardest-by-covid-19-in-louisiana-and-elsewhere.

39 The U.S. Supreme Court has held that one of the "predominant" factors under Section 2 is "the extent to which members of the minority group have been elected to public office in the jurisdiction." *Gingles*, 478 U.S. at 37. *See also Citizens for a Better Gretna*, 636 F. Supp. at 1120 ("Where members of the minority group have not been elected to public office, it is of course evidence of vote dilution.")

candidates to Congress; the state has had only four Black Congresspeople since Reconstruction, all of whom were elected to represent majority Black districts.[40] By contrast, since the Voting Rights Act was adopted in 1965, Louisiana has sent 45 white representatives to Congress.[41] As noted above, none of the majority white districts in Louisiana has ever elected a Black representative. Louisiana's first Black chief Justice of the state Supreme Court was appointed in 1994 following a consent decree that was entered in a case challenging the use of at-large judicial districts. As part of the consent decree, the court created a majority-minority judicial district that has continued to elect the only Black member of the State Supreme Court.[42]

IV. The Louisiana State Legislature Can And Must Enact a Map with Two Majority-Minority Opportunity Districts.

For the reasons explained above, the state Legislature must earnestly consider its obligations under the Voting Rights Act and adopt a congressional map with two majority-minority opportunity districts to ensure Black voters' right to an equal opportunity to elect candidates of their choice. The seven maps submitted with this letter—each of which includes two majority-minority districts—show that doing so is entirely feasible. We urge the state to fully consider and adopt a congressional map that ensures non-dilution of Black voting strength in Louisiana.[43] Failure to do so may lead to costly litigation.[44] We are happy to discuss the contents of this letter further and to provide additional assistance with developing a more inclusive congressional districting plan.

Please feel free to contact LDF Redistricting Counsel Michael Pernick at (917) 790-3597 or by email at mpernick@naacpldf.org with any questions or to discuss these issues in more detail.

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40 Three of the Black Congresspeople were elected in large part due to Black voter support in District 2. *See Black-American Members by State and Territory, 1870–Present*, History, Art & Archives: United States House of Representatives, https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Data/Black-American-Representatives-and-Senators-by-State-and-Territory/ (last accessed Sep. 1, 2021).

41 *See United States Congressional Delegations from Louisiana*, Ballotpedia, https://ballotpedia.org/United_States_congressional_delegations_from_Louisiana (last visited Aug. 31, 2021).

42 *See Chisom v. Jindal*, 890 F. Supp. 2d 696, 702-705 (E.D. La. 2012).

43 The Census Bureau will provide states, upon request, with data files to allow states to reallocate incarcerated populations to their pre-incarceration addresses for redistricting and other purposes. *See* Final 2020 Census Residence Criteria and Residence Situations, 83 Fed. Reg. 5525 (Feb. 8, 2018), available at https://www.federalregister.gov/documents/2018/02/08/2018-02370/final-2020-census-residence-criteria-and-residence-situations#p-47. We urge your committee to request this data from the Census Bureau and draw maps that reallocate incarcerated populations to their pre-incarceration residences.

44 NAACP Legal Defense and Educational Fund, Inc., *The Cost (in Time, Money, and Burden) of Section 2 of the Voting Rights Act Litigation as of February 21*, NAACP Legal Defense and Educational Fund, https://www.naacpldf.org/wp-content/uploads/Section-2-costs-2.19.21.pdf (last visited Aug. 2, 2021).

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New Orleans, Louisiana 70122

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 the areas of education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that prohibit voter discrimination, intimidation, and suppression and increase access to the electoral process.

Louisiana NAACP State Conference

Louisiana State Conference of the National Association for the Advancement of Colored People (the "Louisiana NAACP State Conference") is a state subsidiary of the National Association for the Advancement of Colored People, Inc. For decades, the Louisiana NAACP State Conference has worked towards its mission to ensure the political, educational, social, and economic equality of all persons and to eliminate race-based discrimination.

Power Coalition for Equity and Justice

The Power Coalition for Equity and Justice works to build voice and power in traditionally ignored communities. We are a coalition of groups from across Louisiana whose mission is to organize in impacted communities, educate and turn out voters, and fight for policies that create a more equitable and just system in Louisiana.

American Civil Liberties Union of Louisiana

The ACLU of Louisiana has worked to advance and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States and the State of Louisiana since 1956. The organization is part of a nationwide network of ACLU affiliates that fight tirelessly in all 50 states, Puerto Rico, and Washington, D.C.

American Civil Liberties Union Foundation

For 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States. Whether it's ending mass incarceration, achieving full equality for the LGBT community, advancing racial justice, establishing new privacy protections for our digital age, or preserving the right to vote or the right to have an abortion, the ACLU takes up the toughest civil liberties and civil rights cases and issues to defend all people from government abuse and overreach. With more than one million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, D.C., for the principle that every individual's rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, gender identity or expression, age, disability, national origin, and record of arrest or conviction.

Campaign Legal Center

The nonpartisan Campaign Legal Center advances democracy through the law at the federal, state and local levels, fighting for every American's rights to responsive government and a fair opportunity to participate in and affect the democratic process. Since the organization's founding in 2002, CLC has participated in major redistricting, voting rights, and campaign finance cases before the U.S. Supreme Court as well as numerous other federal and state court cases. CLC's work promotes every citizen's right to participate in the democratic process.

Southern Poverty Law Center Action Fund

SPLC Action is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people.

Voters Organized to Educate

Voters Organized is a 501(c)4 non-profit focused on building collective power to create change in the criminal legal system. We are dedicated to building an educated and engaged democracy. We do this by keeping people informed regarding elections, and ongoing issues in city, state, and national policy reform. Through working with organizations and individuals that believe in the principles of social justice and equality, Voters Organized impacts elections and legislation in Louisiana and beyond. We educate and mobilize organizations and individuals that believe in the principles of grassroots movement building, social justice, and equality.

Voice of the Experienced (VOTE)

VOTE is a grassroots organization founded and run by formerly incarcerated people (FIP), our families and our allies. We are dedicated to restoring the full human and civil rights of those most impacted by the criminal (in)justice system. Together we have the experiences, expertise and power to improve public safety in New Orleans and beyond without relying on mass incarceration.

Louisiana Progress

Louisiana Progress works with citizens, community leaders, activists, advocates, students, and policymakers to inform Louisianans on important issues, engage people in the political process, and help them mobilize to fight for people-centered, solutions-driven public policies.

Fair Districts Louisiana

Fair Districts Louisiana is a Louisiana-based grassroots redistricting and voting reform organization.

E Pluribus Unum

Founded by former New Orleans Mayor Mitch Landrieu, E Pluribus Unum (EPU) is a nonprofit, nonpartisan organization whose mission is to build a more just, equitable, and inclusive South, uprooting the barriers that have long divided the region by race and class.

EPU is focused on changing the divisive narratives that perpetuate systemic and interpersonal racism, cultivating and empowering courageous leaders who are advancing racial equity, and championing transformative policy change.

Black Voters Matter Fund

The Black Voter's Matter Fund believes in the value of the voter 365. In this vein not only do we support our partners voting rights during and in between elections, we also support capacity and power building all year long.

Louisiana Budget Project

The Louisiana Budget Project (LBP) monitors and reports on public policy and how it affects Louisiana's low- to moderate-income families. We believe that the lives of Louisianans can be improved through profound change in public policy, brought about by: creating a deeper understanding of the state budget and budget-related issues, looking at the big picture of how the budget impacts citizens, encouraging citizens to be vocal about budget issues that are important to them, and providing insight and leadership to drive the policy debate.

League of Women Voters of Louisiana

The League of Women Voters of Louisiana is a nonpartisan political organization encouraging informed and active participation in government. It influences public policy through education and advocacy.

Urban League of Louisiana

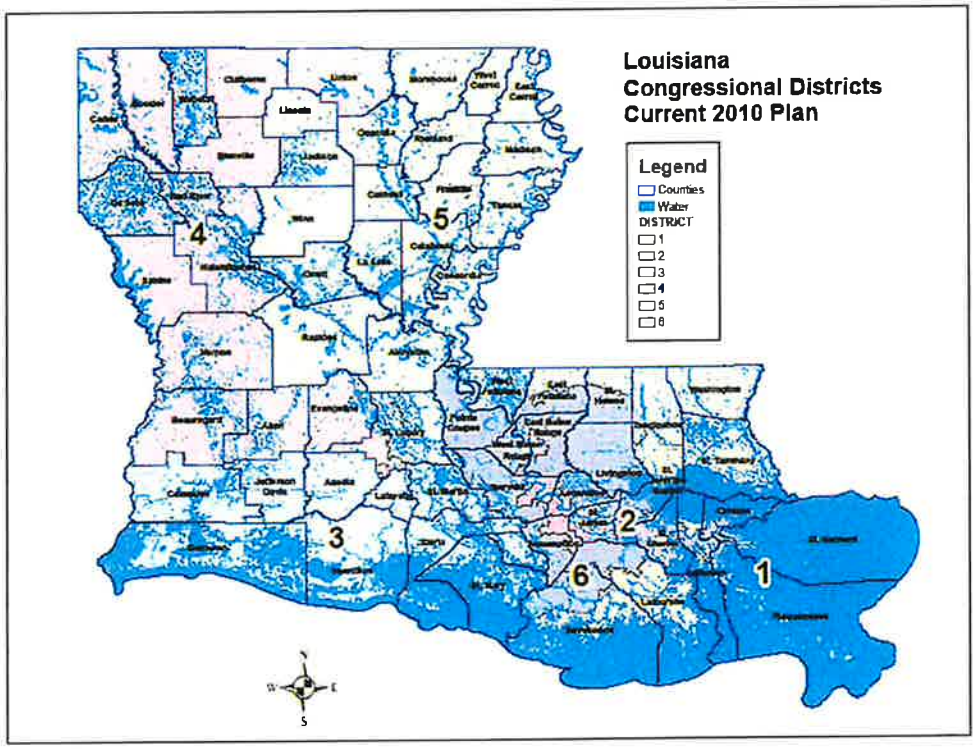
The Urban League of Louisiana's mission is to assist African Americans and other communities seeking equity to secure economic self-reliance, parity, and civil rights. As an affiliate of the National Urban League, and for over 83 years, the Urban League of Louisiana has worked to ensure quality education, equal employment, entrepreneurial opportunities, economic inclusion, and shared dignity under the law.

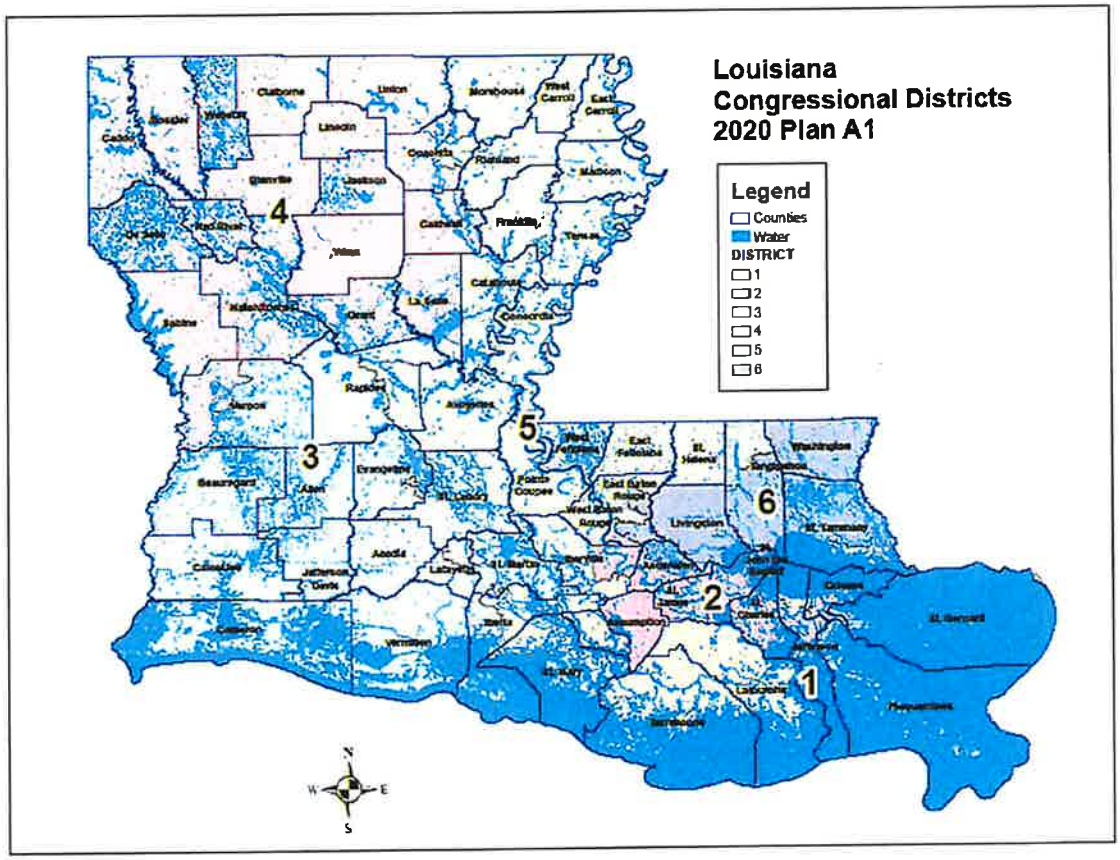
Crescent City Media Group

Crescent City Media Group is a civil rights, community engagement and media advocacy organization serving at the nexus of public interest and policy advocacy in communities of color across the state of Louisiana and the US South.

APPENDIX 1

Seven Illustrative Maps (A1 – A7) with Two Majority-Minority Opportunity Districts




Louisiana
Congressional Districts
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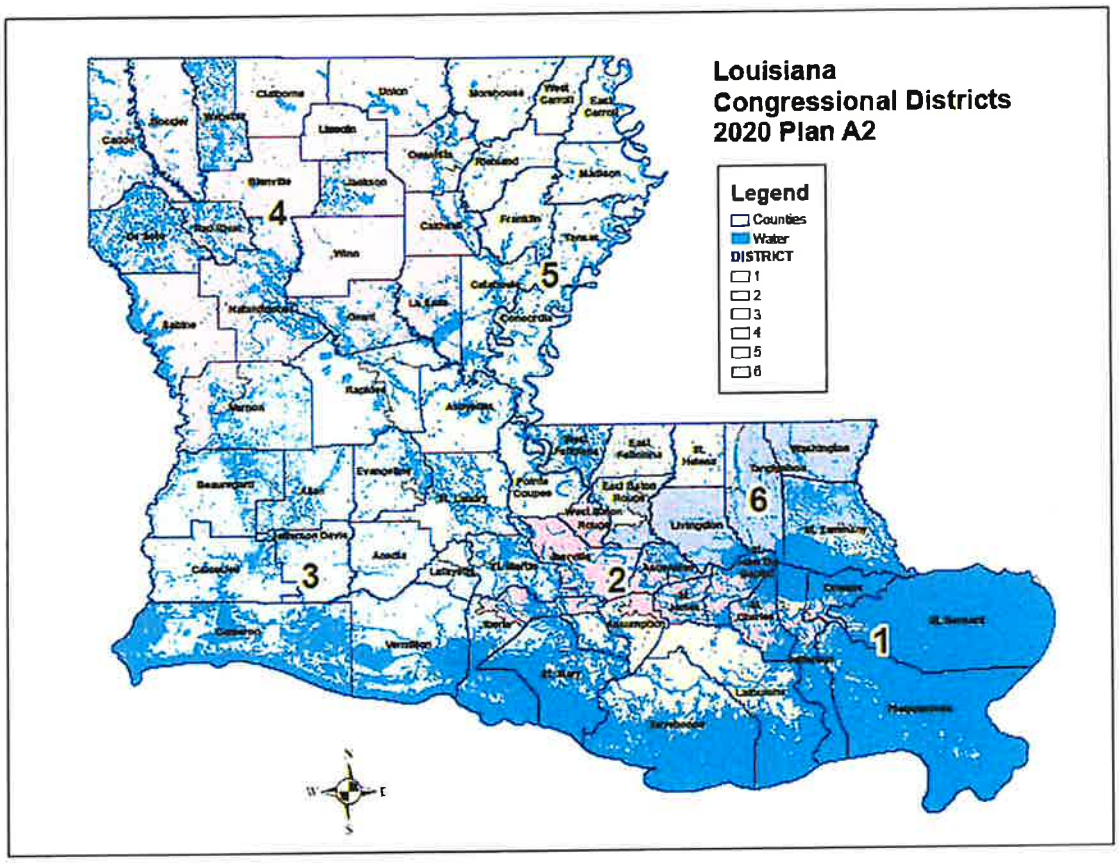
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Congressional Districts
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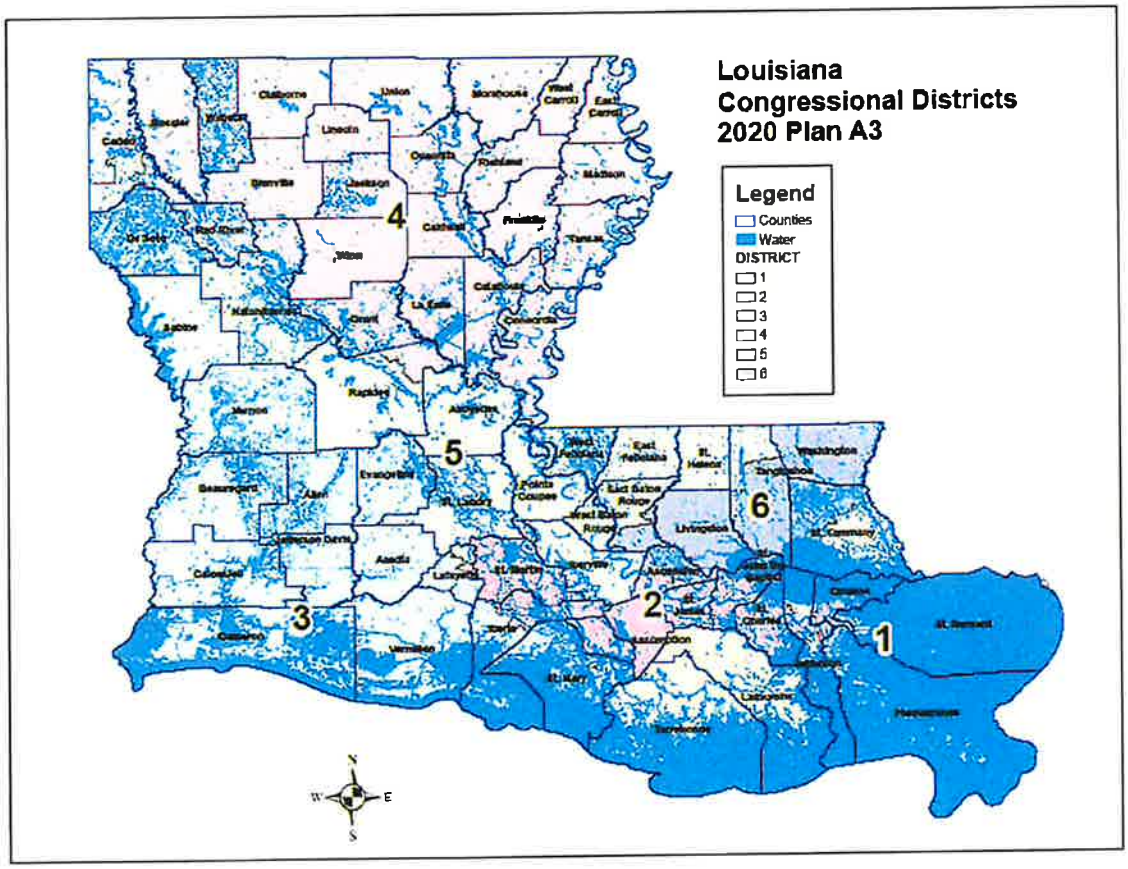
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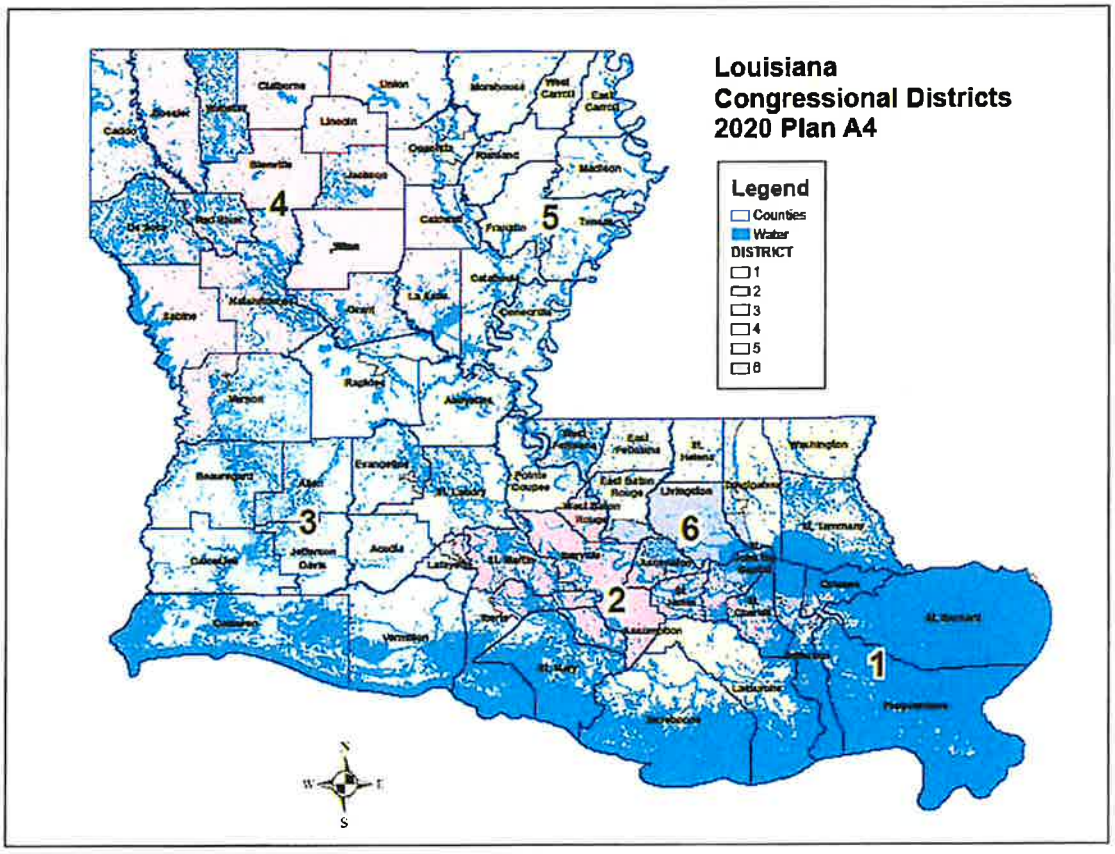
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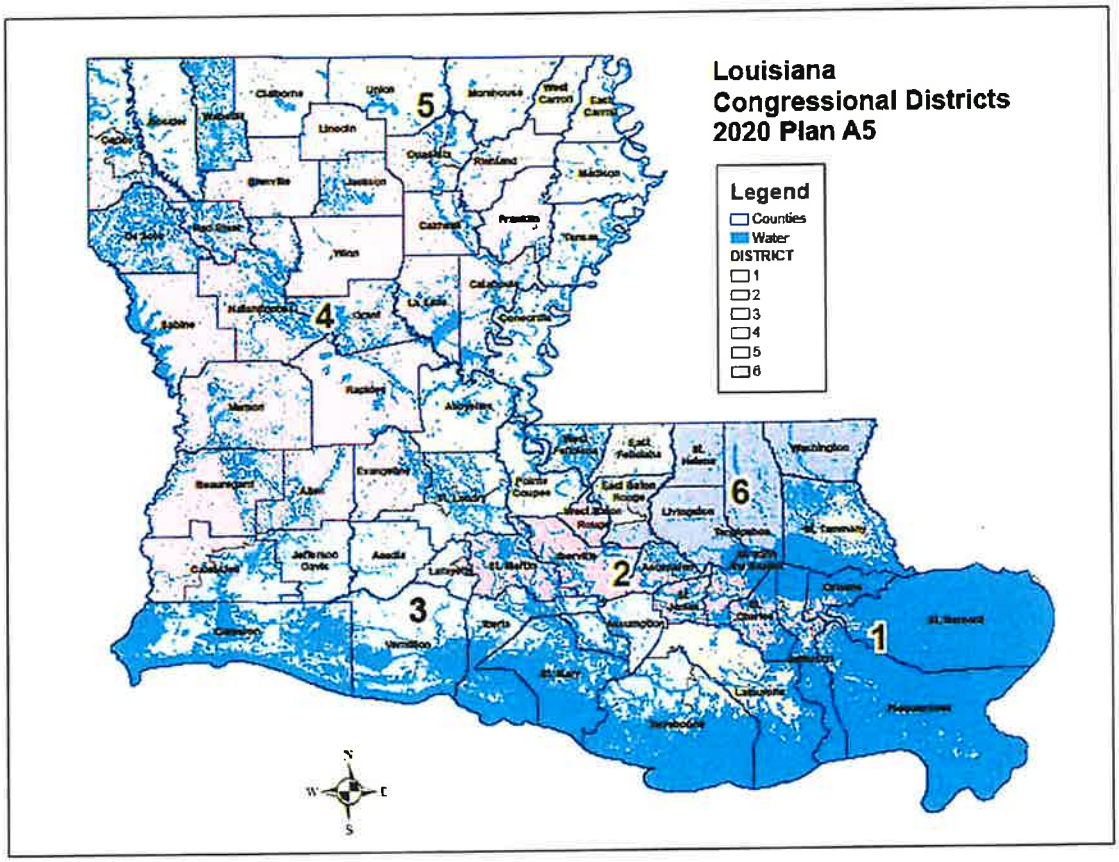
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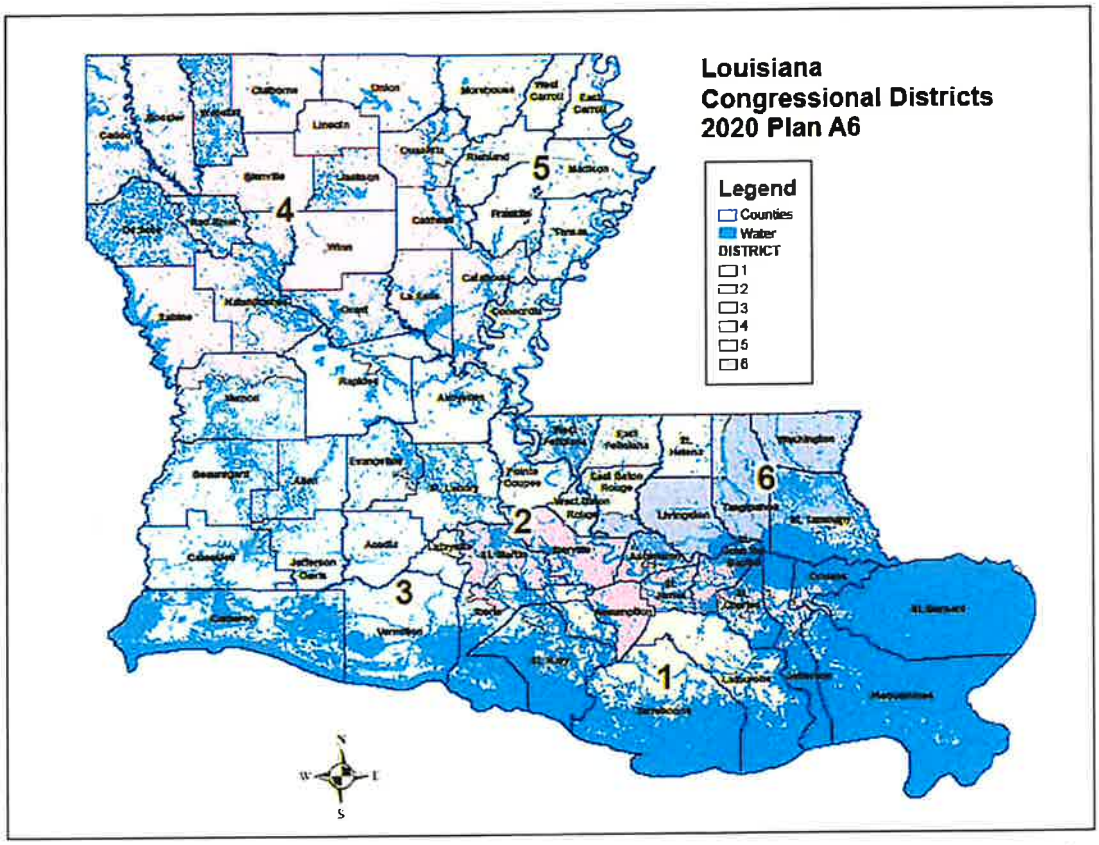
Louisiana
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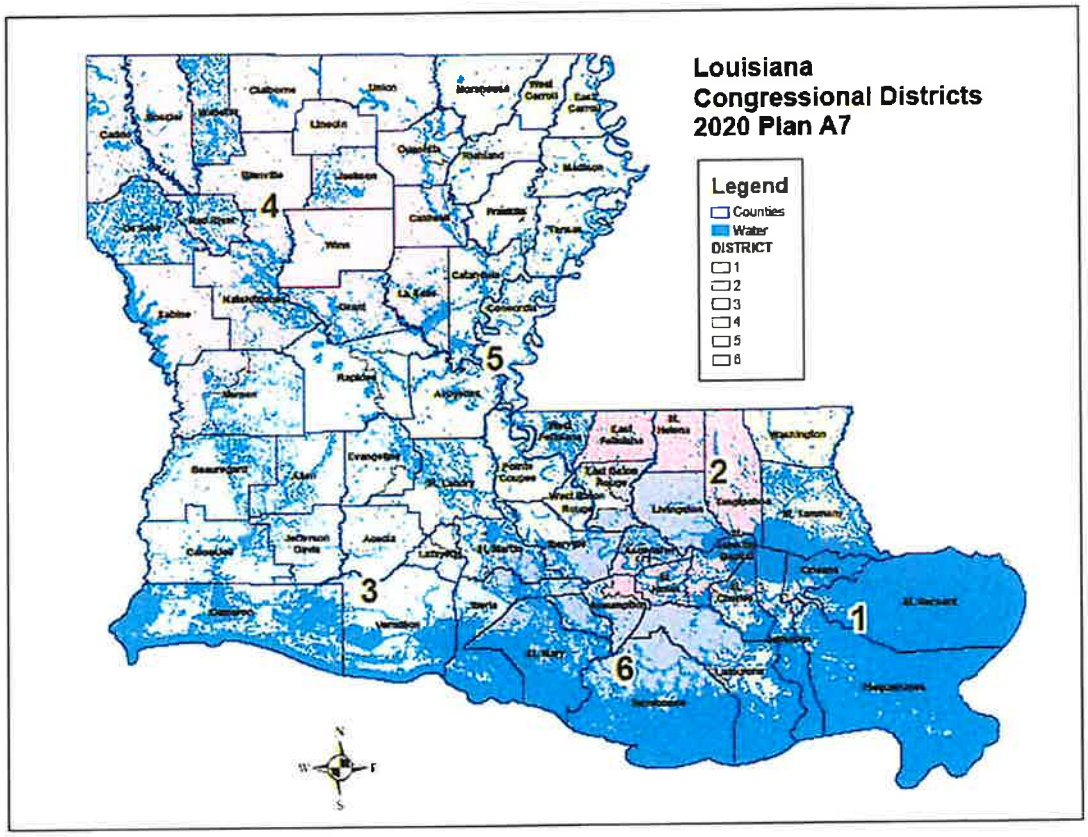
Louisiana
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APPENDIX 2

Demographic Data for Illustrative Maps

Current 2010 Plan w/2010 Data

District	TTLPop10	Deviation[45]	TTLWht10%	TTLBlk10%	VAP10	WhtVAP10%	BlkVAP20%
1	755,445	-117	74.48%	13.56%	579,661	76.63%	12.00%
2	755,538	-24	28.67%	62.24%	569,601	31.77%	59.05%
3	755,596	34	68.95%	25.46%	561,690	71.52%	23.20%
4	755,605	43	59.61%	34.58%	566,830	62.24%	32.45%
5	755,581	19	60.69%	35.67%	567,667	63.05%	33.50%
6	755,607	45	69.57%	23.42%	569,908	71.96%	21.37%

[45] Under the Equal Protection Clause, congressional districts must have equal population "as nearly as practicable." *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964). *See also Karcher v. Daggett*, 462 U.S. 725, 730–31 (1983) (holding that congressional districts must be mathematically equal in population, unless a deviation from that standard is necessary to achieve a legitimate state objective).

Current 2010 Plan w/2020 Data

District	TTLPop20	Deviation	TTLWht20%	TTLBlk20%	VAP20	WhtVAP20%	BlkVAP20%
1	812,550	36,257	66.36%	15.47%	629,799	69.24%	14.03%
2	775,522	-771	27.02%	59.79%	599,605	29.82%	57.70%
3	785,821	9,528	64.43%	26.01%	593,569	67.03%	24.23%
4	728,332	-47,961	55.84%	34.94%	554,869	58.26%	33.11%
5	739,258	-37,035	58.09%	34.86%	567,686	60.38%	32.75%
6	816,274	39,981	61.94%	26.04%	625,020	64.53%	24.46%

Plan A1

District	TTLPop20	Deviation	TTLWht20%	TTLBlk20%	VAP20	WhtVAP20%	BlkVAP20%
1	776,292	-1	62.15%	19.38%	603,499	65.33%	17.70%
2	776,293	0	32.14%	53.51%	603,562	35.06%	51.46%
3	776,293	0	70.95%	18.96%	586,972	73.07%	17.53%
4	776,293	0	57.67%	33.37%	596,281	59.95%	31.61%
5	776,293	0	39.93%	53.84%	588,294	42.75%	51.28%
6	776,293	0	71.66%	16.55%	591,940	74.05%	15.24%

Plan A2

District	TTLPop20	Deviation	TTLWht20%	TTLBlk20%	VAP20	WhtVAP20%	BlkVAP20%
1	776,292	-1	64.33%	16.78%	603,887	67.39%	15.29%
2	776,293	0	33.13%	53.31%	598,629	35.89%	51.34%
3	776,293	0	70.15%	19.80%	587,394	72.26%	18.40%
4	776,293	0	57.61%	33.40%	596,328	59.88%	31.65%
5	776,293	0	39.76%	54.04%	589,344	42.61%	51.46%
6	776,293	0	69.53%	18.28%	594,966	71.89%	16.95%

Plan A3

District	TTLPop20	Deviation	TTLWht20%	TTLBlk20%	VAP20	WhtVAP20%	BlkVAP20%
1	776,292	-1	63.59%	17.15%	602,435	66.68%	15.64%
2	776,293	0	33.31%	53.76%	598,738	36.11%	51.75%
3	776,292	-1	68.68%	20.96%	586,847	70.91%	19.45%
4	776,293	0	60.56%	30.98%	596,110	62.86%	29.10%
5	776,294	1	40.14%	53.53%	591,272	42.74%	51.25%
6	776,293	0	68.21%	19.22%	595,146	70.68%	17.80%

Plan A4

District	TTLPop20	Deviation	TTLWht20%	TTLBlk20%	VAP20	WhtVAP20%	BlkVAP20%
1	776,293	0	64.61%	20.82%	588,372	67.52%	19.21%
2	776,293	0	35.14%	53.45%	599,955	37.96%	51.33%
3	776,294	1	70.34%	19.37%	587,539	72.46%	17.96%
4	776,292	-1	57.73%	33.38%	596,619	60.02%	31.62%
5	776,292	-1	39.38%	53.77%	589,961	42.29%	51.12%
6	776,293	0	67.29%	14.84%	608,102	69.68%	13.81%

Plan A5

District	TTLPop20	Deviation	TTLWht20%	TTLBlk20%	VAP20	WhtVAP20%	BlkVAP20%
1	776,292	-1	64.34%	16.40%	604,384	67.32%	15.00%
2	776,292	-1	33.01%	54.12%	598,314	35.72%	52.19%
3	776,293	0	65.59%	24.64%	586,934	68.28%	22.80%
4	776,293	0	65.73%	25.12%	596,814	67.48%	23.70%
5	776,294	1	38.88%	54.22%	588,975	41.58%	51.93%
6	776,293	0	66.95%	21.10%	595,127	69.42%	19.60%

Plan A6

District	TTLPop20	Deviation	TTLWht20%	TTLBlk20%	VAP20	WhtVAP20%	BlkVAP20%
1	776,293	0	64.13%	17.23%	604,170	67.19%	15.72%
2	776,294	1	32.95%	53.41%	598,799	35.77%	51.39%
3	776,292	-1	70.14%	19.69%	587,052	72.28%	18.24%
4	776,292	-1	57.73%	33.38%	596,684	59.99%	31.62%
5	776,294	1	39.68%	53.84%	587,486	42.50%	51.36%
6	776,292	-1	69.88%	18.07%	596,357	72.10%	16.86%

Plan A7

District	TTLPop20	Deviation	TTLWht20%	TTLBlk20%	VAP20	WhtVAP20%	BlkVAP20%
1	776,294	1	66.02%	15.42%	604,283	68.67%	14.18%
2	776,293	0	33.72%	53.52%	599,806	36.63%	51.38%
3	776,293	0	69.64%	20.19%	586,736	71.84%	18.66%
4	776,292	-1	57.60%	33.41%	596,316	59.87%	31.66%
5	776,293	0	39.72%	53.80%	589,975	42.54%	51.23%
6	776,292	-1	67.80%	19.28%	593,432	70.42%	17.91%

Field Descriptions:

TTLPop10 - 2010 Total Population (TTL Pop)

TTLPop20 - 2020 Total Population (TTL Pop)

TTLWht20% - 2020 Not-Hispanic White Alone Total Pop%

TTLBlk20% - 2020 Not-Hispanic Any Part Black Total Pop%

VAP20 - 2020 Voting Age Population (VAP)

WhtVAP20% - 2020 Not-Hispanic White Alone VAP%

BlkVAP20% - 2020 Not-Hispanic Any Part Black VAP%

From: Michael Pernick <mpernick@naacpldf.org>
Sent: Wednesday, November 17, 2021 11:46 AM
To: Sen. & Gov Affairs Cmte; House & Governmental Affairs
Cc: Arielle McTootle; Jared Evans; Kathryn Sadasivan
Subject: RE: Written Submission - Congressional Redistricting
Attachments: 2021.11.17 - reformatted illustrative congressional maps (see appendix 1, October 18, 2021 letter).pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good morning,

We understand that certain members of the committee have expressed difficulty discerning the boundaries of the seven illustrative maps for Louisiana's congressional districts that we included in Appendix 1 to our October 18, 2021 letter, as a result of the format in which those maps were provided.

We have attached an updated version of those same maps in a clearer format that may be easier to visualize. As you know, we have provided the comma delimited block equivalency files for those maps on October 28, 2021, which will allow you to see the precise boundaries in the seven illustrative maps.

Please let me know if you have any questions.

Best,
Michael Pernick

From: Michael Pernick
Sent: Thursday, October 28, 2021 12:22 PM
To: s&g@legis.la.gov; h&ga@legis.la.gov
Cc: Arielle McTootle <amctootle@naacpldf.org>; Jared Evans <jevans@naacpldf.org>; Kathryn Sadasivan <ksadasivan@naacpldf.org>
Subject: RE: Written Submission - Congressional Redistricting

Good morning,

I have attached a zip folder containing comma delimited block equivalency files for the seven Congressional maps we submitted in our October 18, 2021 letter. Please confirm that this format is acceptable.

Best,
Michael

From: Michael Pernick
Sent: Monday, October 18, 2021 12:13 PM
To: s&g@legis.la.gov; h&ga@legis.la.gov
Cc: Arielle McTootle <amctootle@naacpldf.org>; Jared Evans <jevans@naacpldf.org>; Kathryn Sadasivan <ksadasivan@naacpldf.org>
Subject: Written Submission - Congressional Redistricting

Good morning,

Attached is a written submission regarding congressional redistricting for distribution to the Committee on House and Governmental Affairs and Committee on Senate Governmental Affairs in advance of the upcoming roadshow, submitted on behalf of the NAACP Legal Defense & Educational Fund, Louisiana State Conference of the NAACP, Power Coalition for Equity and Justice, American Civil Liberties Union of Louisiana, the ACLU Voting Rights Project, Campaign Legal Center, Southern Poverty Law Center Action Fund, Voters Organized to Educate, Voice of the Experienced, Louisiana Progress, Fair Districts Louisiana, E Pluribus Unum, Black Voters Matter Fund, Louisiana Budget Project, League of Women Voters of Louisiana, Urban League of Louisiana, and Crescent City Media Group.

Please feel free to reach out to me with any questions.

Sincerely,
Michael Pernick

Michael Pernick (he/him/his)
Redistricting Counsel
NAACP Legal Defense and Educational Fund, Inc.
40 Rector Street, 5th Floor, New York, NY 10006
▪ t 212.965.3708 ▪ c 917.790.3597 ▪ mpernick@naacpldf.org
www.naacpldf.org

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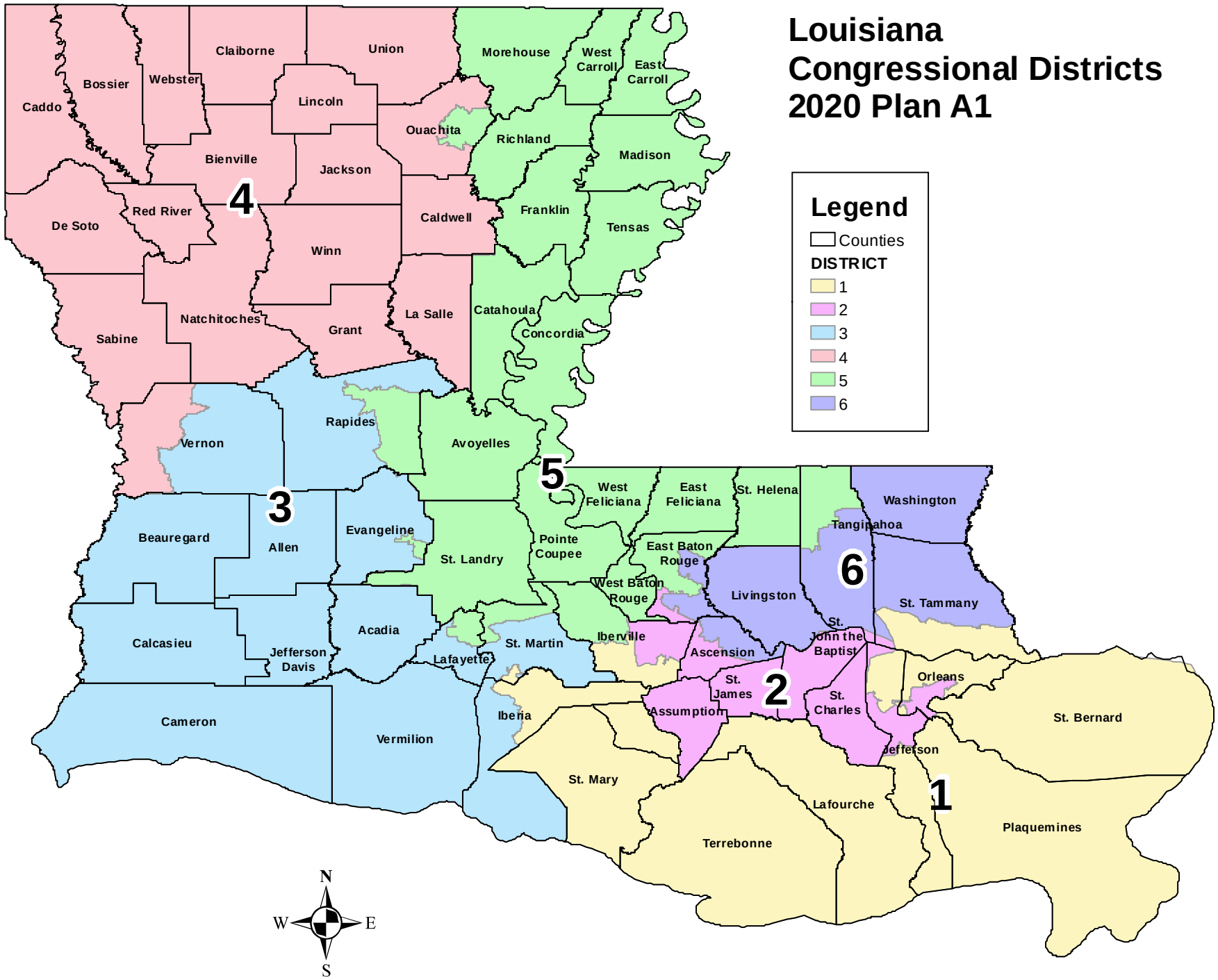
Louisiana Congressional Districts 2020 Plan A1



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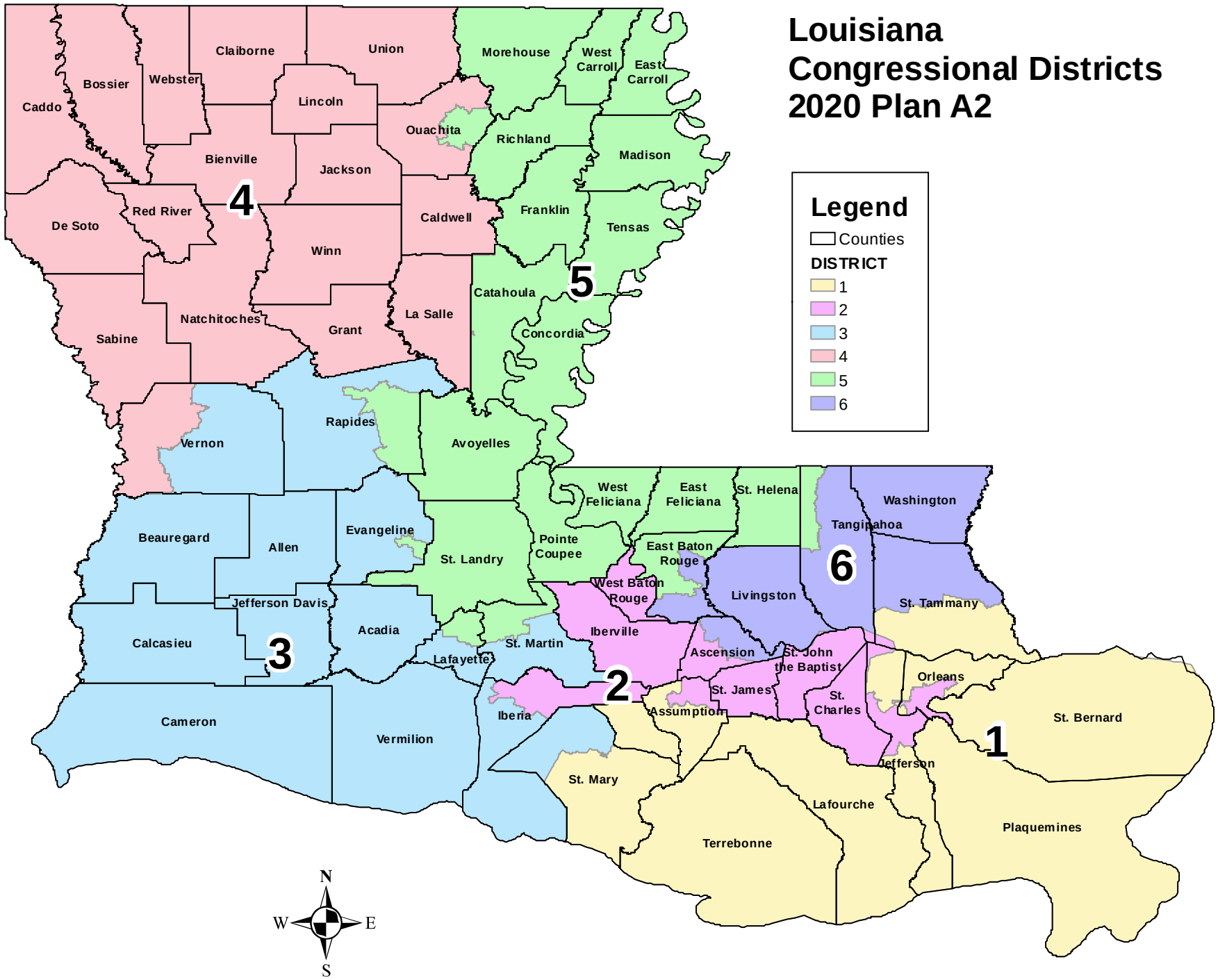

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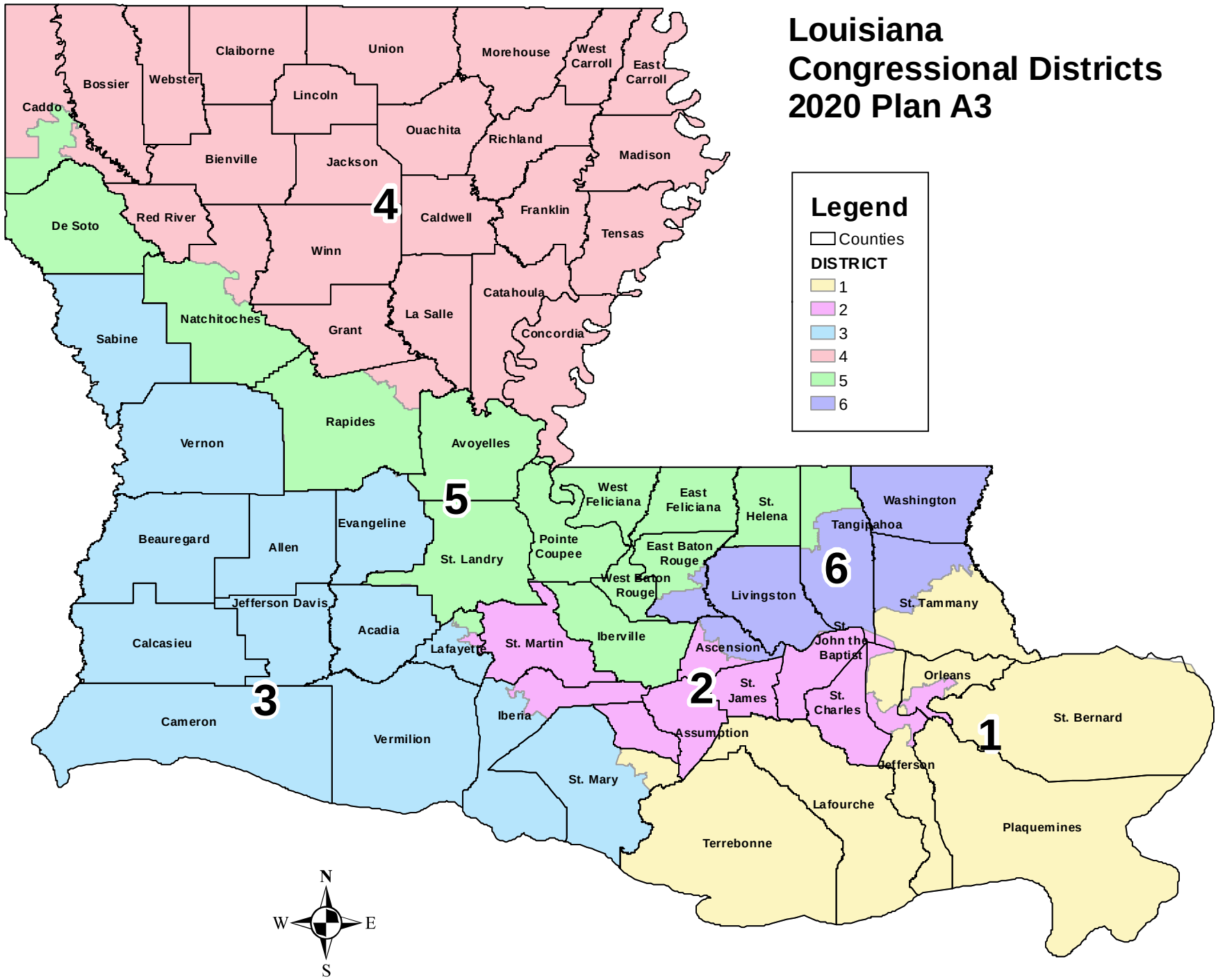

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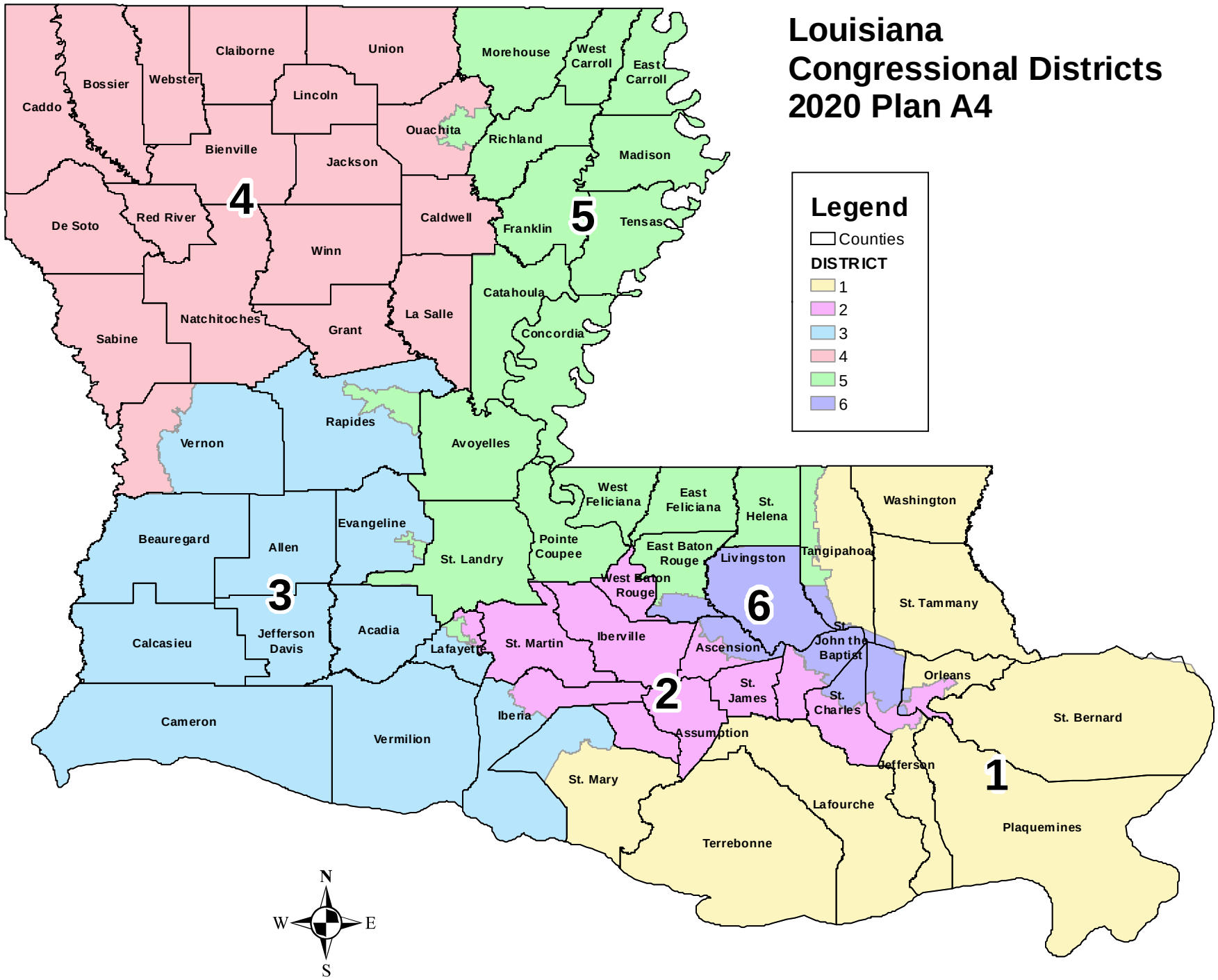

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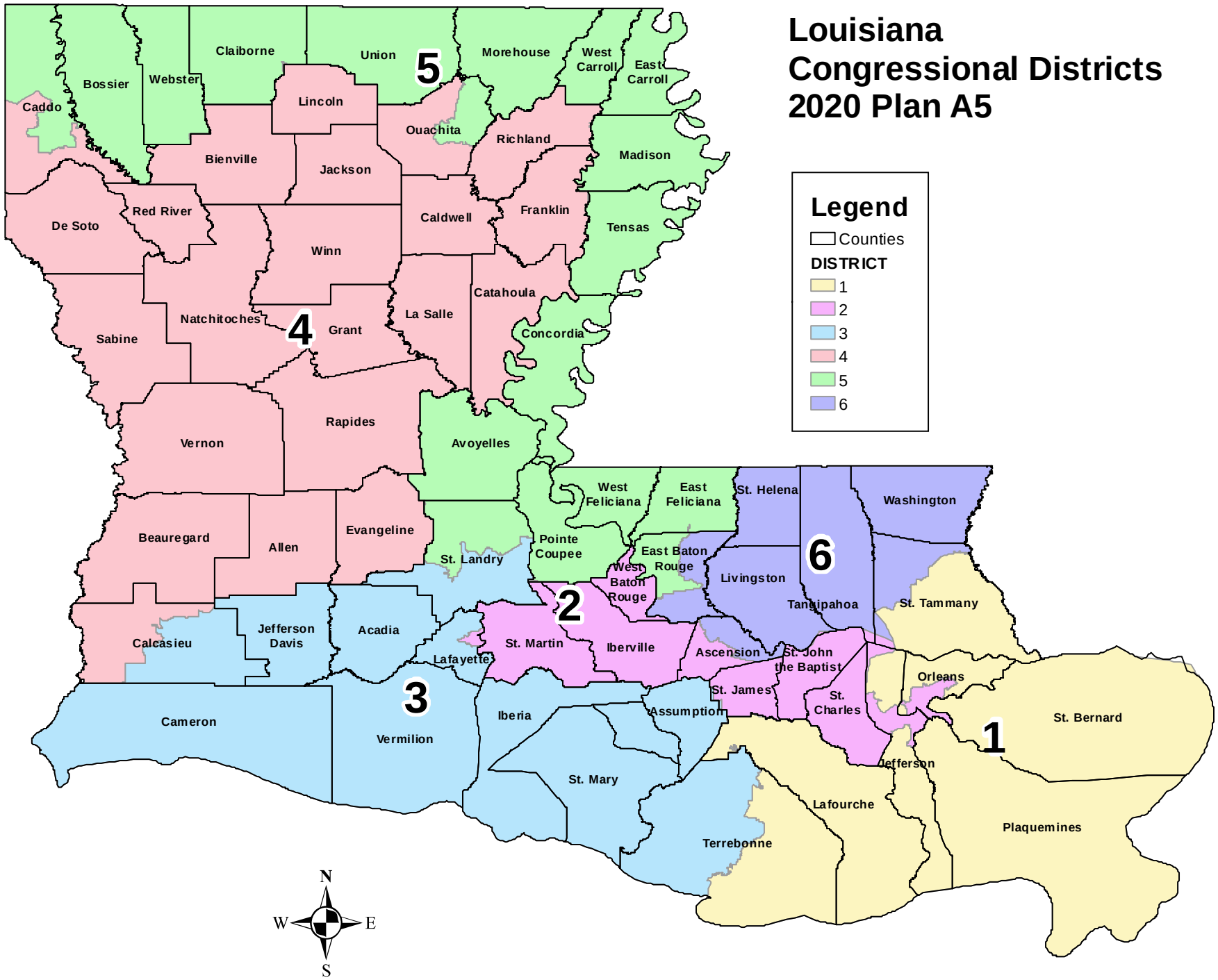

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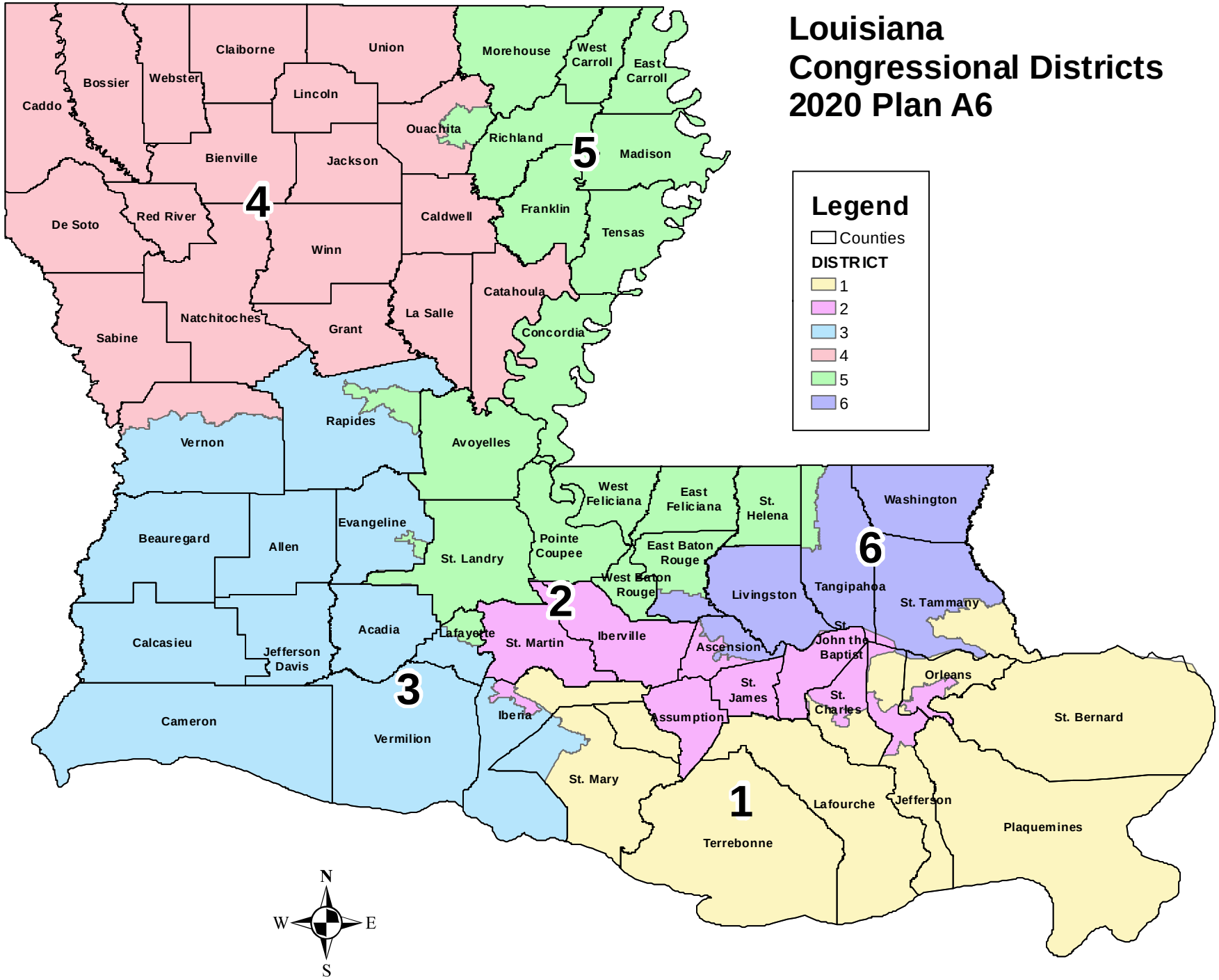
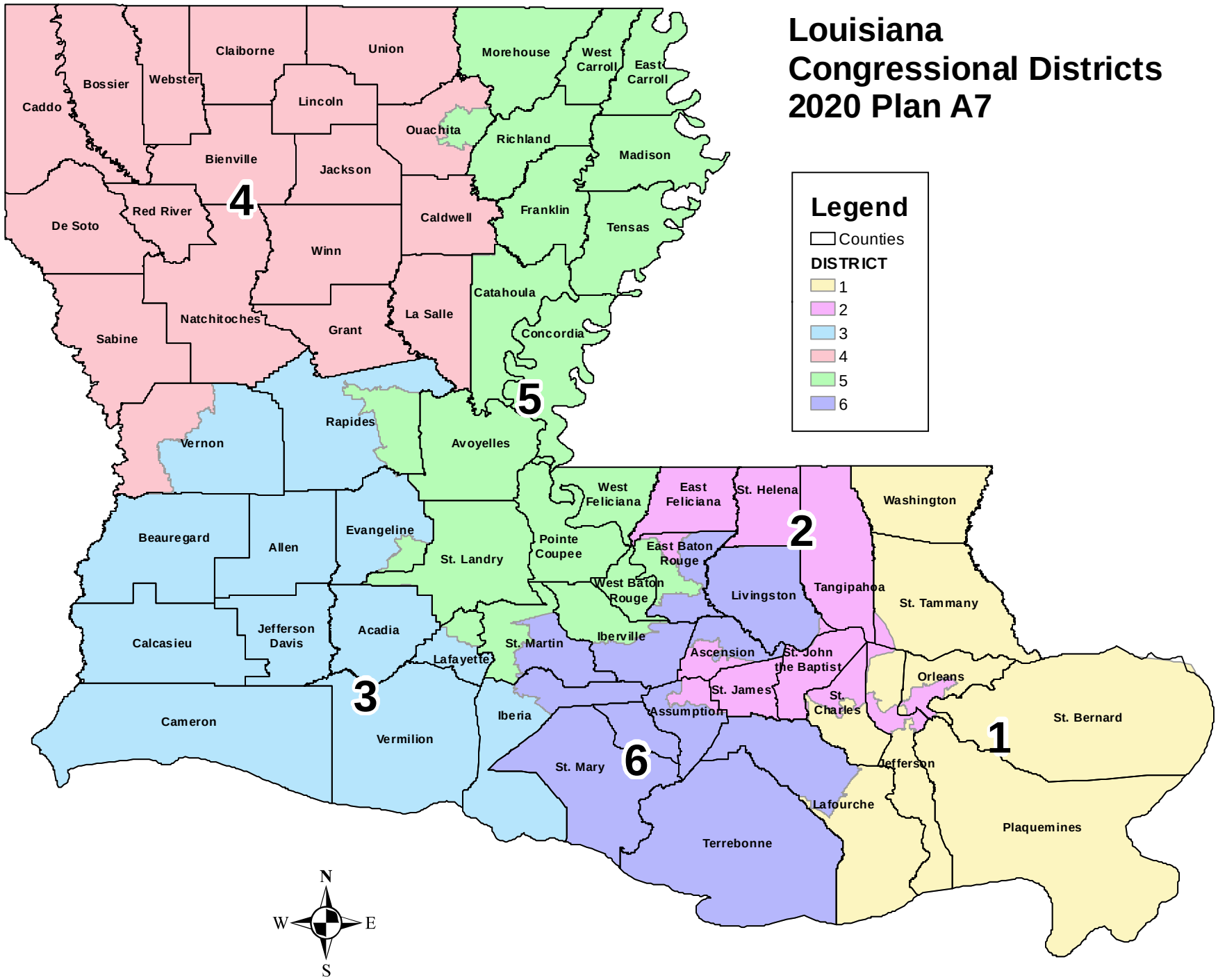
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