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**Submitted to the Record of the United States Senate Committee on the Judiciary
Subcommittee on the Constitution**

**For its Hearing on “Enforcing *Callais*: Implementing the Supreme Court’s Command
Against Racial Gerrymandering”**

May 19, 2026

Chairman Schmitt, Ranking Member Welch, and Members of the Subcommittee, thank you for the opportunity to submit this written statement for the record on behalf of Campaign Legal Center, in connection with the Subcommittee’s May 19, 2026 hearing on “Enforcing *Callais*: Implementing the Supreme Court’s Command Against Racial Gerrymandering.”¹

Campaign Legal Center is a nonpartisan legal organization dedicated to solving the wide range of challenges facing our democracy. We fight for every American’s freedom to vote and participate meaningfully in the democratic process, particularly those who have faced political barriers because of race, ethnicity, or economic status.

The premise of this hearing—that the country should now focus on “implementing” the U.S. Supreme Court’s decision in *Louisiana v. Callais*—is fundamentally misguided. The Court’s opinion was not a reliable interpretation of the Constitution or federal law, but a profound setback for our multiracial democracy and the right of every American to make their voice heard through our elections. It did not give proper deference to Congress and the substantial record lawmakers compiled when they passed and reauthorized the Voting Rights Act (VRA). Nor did the opinion accurately weigh the constitutionality of the VRA in light of the Reconstruction Era amendments that established civil and voting rights for Black Americans.

History will ultimately judge the *Callais* decision as it has other repudiated rulings that harmed the nation and our democracy, and that were eventually rejected by the Court itself. Rather than “enforcing” this devastating and incorrect opinion, Congress should undo its harm and correct the Court’s error by restoring strong nationwide protections for the freedom to vote.

The Supreme Court’s Disastrous Decision

In practical effect, the Supreme Court’s decision in *Callais* gutted Section 2 of the VRA’s protections against discriminatory electoral maps that prevent voters of color from having an equal opportunity to elect candidates of their choice.² Specifically, the Court changed how legal claims challenging district lines under Section 2 must be analyzed. After this ruling, plaintiffs must now show that mapmakers *intended* to discriminate against people of color, instead of showing only that the maps had a discriminatory *impact* on those communities—clearly ignoring the will of Congress as expressed through the 1982 amendments to the VRA.³ Moreover, the Court’s opinion invited those drawing district lines to disguise racial discrimination as ordinary politics and put the burden on challengers to prove that partisan gain was not the goal.

Unfortunately, these tests heighten the burden and make it more difficult for voters of color to challenge maps that dilute their electoral strength in states and localities where they and white voters tend to support different parties, a pattern common across the South and much of the rest of the country. Because the VRA applies to elections at all levels of government, the Court’s

¹ Enforcing *Callais*: Implementing the Supreme Court’s Command Against Racial Gerrymandering: Hearing Before the Subcomm. on the Const. of the S. Comm. on the Judiciary, 119th Cong. (2026)

² *Louisiana v. Callais*, No. 24-109, 2026 WL 1153054 (U.S. Apr. 29, 2026), *judgment entered*, No. 24109, 2026 WL 1209010 (U.S. May 4, 2026) (hereinafter “*Callais*”).

³ See Voting Rights Act Amendments of 1982, Pub. L. No. 97-205, 96 Stat. 131 (codified as amended at 52 U.S.C. § 10301); S. Rep. No. 97-417 (1982), <https://www.documentcloud.org/documents/23689943-senate-judiciary-committee-report-on-the-voting-rights-act-amendments-of-1982-senate-report-no-97-417> (hereinafter “VRA Amendments Act of 1982”).

decision threatens representation for voters of color not only in congressional redistricting, but also in state legislative, county, municipal, and school board elections across the country.⁴

Callais should be understood as the latest step in a sustained judicial weakening of the VRA. Passed in 1965, this landmark civil rights law has been critical in ensuring that no American is denied access to the ballot box or an opportunity for representation because of their race. The VRA made real the promise of the 15th Amendment and ushered in decades of advancements towards a true, multiracial democracy where all Americans have a meaningful voice in their government. However, through a series of decisions beginning with *Shelby County v. Holder* in 2013—seemingly unmoored from the will of Congress and principles of judicial constraint—the Supreme Court has severely rolled back this progress.⁵

First, in *Shelby County*, the Court effectively disabled the VRA’s “preclearance” system, removing the federal government’s most effective tool for stopping discriminatory election rules *before* they took effect.⁶ Then in *Brnovich v. Democratic National Committee*, the Court drastically narrowed Section 2 of the VRA and made it far more difficult to challenge restrictive laws and election policies that limit the ability of voters of color to cast ballots on equal terms with white voters.⁷ And finally, in *Callais*, the Court further eliminated what was left of Section 2, undercutting its legal mechanisms for challenging racially discriminatory electoral maps.⁸

These three decisions have left a hollow shell where the VRA once proudly stood, and the negative impacts are well-documented. Research after the *Shelby County* decision found that the racial turnout gap has grown nationwide since 2012, increasing especially quickly in places that had previously been subject to federal preclearance.⁹ That pattern is a warning: when federal protections are stripped away, unequal political participation and unequal representation widen. If Congress focuses on “enforcing *Callais*” rather than confronting its consequences, our country’s democratic backsliding will only accelerate.

Section 2 as a Cornerstone of Multiracial Democracy

For decades, Section 2 of the VRA has served as a cornerstone of our progress towards a multiracial democracy. It has been a legal bulwark against racial discrimination in redistricting and voting practices, leading to more equitable representation for communities of color throughout the nation.

Campaign Legal Center has seen the importance of Section 2 firsthand. We have represented Native voters in North Dakota who used this law to prove that their state’s redistricting decisions diluted their voting power, part of a long and troubled history of discrimination against Native

⁴ See *Redistricting 101 and the Fight for Fair Representation After Callais*, Campaign Legal Ctr. (May 19, 2026), <https://campaignlegal.org/document/redistricting-101-and-fight-fair-representation-after-callais>.

⁵ See *The Supreme Court’s Role in Undermining American Democracy*, Campaign Legal Ctr. (July 13, 2022), <https://campaignlegal.org/document/supreme-courts-role-undermining-american-democracy>.

⁶ *Shelby Cnty. v. Holder*, 570 U.S. 529 (2013)

⁷ *Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647 (2021).

⁸ *Callais*, *supra* note 2.

⁹ Kevin Morris & Coryn Grange, *Growing Racial Disparities in Voter Turnout, 2008–2022*, Brennan Ctr. for Just. (March 2, 2024), <https://www.brennancenter.org/our-work/research-reports/growing-racial-disparities-voter-turnout-2008-2022>.

Americans.¹⁰ We have worked with residents of Galveston County, Texas, in litigation that is challenging ongoing racial discrimination against Black and Latino voters in their district lines for local elected offices.¹¹ We have helped Latino voters in Washington state secure fair legislative maps that will allow their community to elect candidates of their choice.¹² And we have ensured that Texas could not enforce a racially discriminatory voter identification requirement that specifically targeted Latino voters.¹³

These examples are just a small fraction of the many cases in which Section 2 has made a measurable difference in countering discrimination and strengthening our democracy. This long record demonstrates that debates about Section 2 are not just abstract doctrinal exercises. Indeed, this provision has served as a vital tool for communities to secure greater equality under the law.¹⁴ Since its enactment, Section 2 has helped produce fairer maps and more representative institutions across the nation. It has enabled communities of color to challenge discriminatory districting and voting schemes at the federal, state, and local levels, and it has helped promote a democracy that better reflects the racial, geographic, and political diversity of the United States.

How *Callais* Harms Democracy

In *Callais*, the Supreme Court justified its rewrite of Section 2 in part by pointing to our country's progress in rectifying historic and ongoing racial discrimination. But this reasoning gets the story completely backward. Relatively recent improvements do not prove that Section 2 is unnecessary—they show that Section 2 and the VRA have been working and remain essential.

Despite this, the Court used our societal advancements as a rationale for making legal relief dramatically harder for communities of color to obtain. The predictable result is that jurisdictions now have greater room to dismantle the representational gains that were won through decades of organizing, litigation, policy work, and federal enforcement of civil rights law.

Indeed, the post-*Callais* landscape has already confirmed the danger. Experts quickly warned that the decision threatens to stall or reverse recent gains in the diversity of the U.S. House of Representatives by undermining the legal basis for majority-minority districts and other remedial districting measures.¹⁵ That risk is now becoming reality in states that are moving rapidly to redraw maps or revive previously blocked plans in the wake of the Supreme Court's decision.

Tennessee provides a stark example. Within days of *Callais*, Tennessee lawmakers approved a new congressional map that fractures Memphis—a majority-Black city—across three districts

¹⁰ *Fighting For Fair Representation Under the Voting Rights Act for Native American Voters (Turtle Mountain Band of Chippewa Indians et al., v. Howe)*, Campaign Legal Ctr. (May 18, 2026), <https://campaignlegal.org/cases-actions/fighting-fair-representation-under-voting-rights-act-native-american-voters-turtle>.

¹¹ *Petteway v. Galveston County, Texas*, Campaign Legal Ctr. (Dec. 13, 2023), <https://campaignlegal.org/cases-actions/petteway-v-galveston-county-texas>.

¹² *Soto Palmer, et al., v. Hobbs, et al.*, Campaign Legal Ctr. (May 13, 2026), <https://campaignlegal.org/cases-actions/soto-palmer-et-al-v-hobbs-et-al>.

¹³ *Veasey v. Abbott*, Campaign Legal Ctr. (April 13, 2021), <https://campaignlegal.org/cases-actions/veasey-v-abbott>.

¹⁴ See e.g., Ellen D. Katz, et al., *To Participate and Elect: Section 2 of the Voting Rights Act Since 1982*, Univ. Mich. L. Sch. Voting Rights Initiative (2025), <https://voting.law.umich.edu>.

¹⁵ See, e.g., Abby Ward, *Callais Decision Threatens to Stall Diversity Gains in House*, Brookings (May 6, 2026), <https://www.brookings.edu/articles/callais-decision-threatens-to-stall-diversity-gains-in-house>.

likely to be won by Republicans, dissolving the state’s only majority-Black congressional district.¹⁶ Whatever label state officials attach to that move, the effect is to dilute Black voting strength and reduce the ability of Memphis voters to translate shared political interests into representation.

Louisiana offers another warning. The day after *Callais*, Governor Jeff Landry suspended his state’s U.S. House primary elections while leaving other elections in place, creating confusion and instability in the middle of an election cycle.¹⁷ Meanwhile, lawmakers moved to replace a map with two majority-Black congressional districts with a plan that would eliminate one of those districts.¹⁸ Remarkably, this was not even the district at issue in *Callais* and that the Supreme Court invalidated. The state’s overall effort is therefore revealing because it shows how quickly elected officials interpreted *Callais* as permission to unwind representation for Black voters, even at the cost of administrative chaos and public confidence in elections.

Alabama likewise moved to take advantage of the decision. After the Supreme Court cleared the way for renewed use of a previously blocked map, Alabama scheduled special primary elections for four congressional districts affected by the redraw.¹⁹ This move to reduce representation for voters of color is especially alarming in a state that was home to the “Bloody Sunday” marches that became a turning point in the civil rights movement and helped lead to the original passage of the VRA.²⁰

The central democratic harm of the Supreme Court’s *Callais* ruling is straightforward: it invites jurisdictions to claim that what looks like racial vote dilution is really partisan line-drawing. But in much of the country—and especially in the South—race and party are deeply correlated because of enduring patterns of racial polarization in politics. A rule that treats partisanship as an all-purpose defense gives mapmakers a ready-made script for insulating racial discrimination from judicial review. That is not a minor change. It is a blueprint for disenfranchisement.

¹⁶ Caroline Linton, *Tennessee Approves New Congressional Map That Dissolves Majority Black District*, CBS News (May 7, 2026), <https://www.cbsnews.com/news/tennessee-redistricting-legislature-vote-congressional-maps>; Stephen Fowler, *After Redistricting, What Does Representation Mean to Tennessee Voters?*, NPR (May 15, 2026), <https://www.npr.org/2026/05/15/after-redistricting-what-does-representation-mean-to-tennessee-voters>.

¹⁷ Press Release, Off. of Gov. Jeff Landry, Governor Jeff Landry Suspends Only U.S. House Primary Elections Following Supreme Court Ruling (Apr. 30, 2026), <https://gov.louisiana.gov/news/5093>; Drew Hawkins, *Sen. Cassidy Says Changes to Louisiana’s May 16 Election Have Caused Confusion, Disenfranchisement*, WWNO (May 15, 2026), <https://www.wwno.org/politics/2026-05-15/sen-cassidy-says-changes-to-louisianas-may-16-election-have-caused-confusion-disenfranchisement>.

¹⁸ Kyron Neveaux, *Louisiana House committee advances redistricting plan criticized for weakening Black voting power*, WWL Louisiana (May 21, 2026), <https://www.wwltv.com/article/news/local/local-politics/louisiana-house-committee-advances-redistricting-plan-criticized-for-weakening-black-voting-power/289-70351f7f-e3b1-4766-9e0e-17cb2baa05cd>.

¹⁹ Amy Howe, *Court Clears Way for Alabama to Use Congressional Map Blocked by Lower Court as Racially Discriminatory*, SCOTUSblog (May 11, 2026), <https://www.scotusblog.com/2026/05/court-clears-way-for-alabama-to-use-congressional-map-blocked-by-lower-court-as-racially-discrim>; Press Release, Off. of Gov. Kay Ivey, Governor Ivey Celebrates Major Court Victory in State’s Redistricting Battle, Calls Special Election for Alabama-Drawn Congressional Map (May 12, 2026), <https://governor.alabama.gov/newsroom/2026/05/governor-ivey-celebrates-major-court-victory-in-states-redistricting-battle-calls-special-election-for-alabama-drawn-congressional-map>.

²⁰ See Christopher Klein, *How Selma’s ‘Bloody Sunda’ Became a Turning Point in the Civil Rights Movement*, History.com (May 28, 2025), <https://www.history.com/articles/selma-bloody-sunday-attack-civil-rights-movement>.

Importantly, the effects will not be limited to Congress. If communities of color cannot effectively challenge districting plans for state legislatures, county commissions, city councils, judicial elections, or school boards, they lose influence over the institutions that make decisions about education, policing, housing, transportation, health care, infrastructure, and environmental protection. When representation is diluted, democracy is not merely less inclusive, it becomes less responsive, less effective, and less trusted by the people.

What Congress Must Do Next

Congress once clearly recognized the value of a strong Voting Rights Act. After the VRA's original passage in 1965, Congress reauthorized or enhanced the law five separate times on a bipartisan basis.²¹ Among these, Congress specifically amended the VRA in 1982 so that voters would not be forced to prove *intentional* discrimination when they challenged a voting rule or redistricting plan that diluted the electoral strength of communities of color.²² Congress instead wanted to ensure that challengers could address inequality through Section 2 lawsuits focused on the discriminatory *impact* of election rules.²³ Nevertheless, the Supreme Court effectively waved away this clear evidence of congressional intent in its *Callais* opinion through convoluted and flawed legal reasoning.

As the first branch of government and the body most responsive to the American people, it is up to Congress to fix the Supreme Court's dismantling of this landmark civil rights statute. To start, Congress must recommit to the original goals and values of the VRA, including by passing legislation to restore and expand its protections against racial discrimination in our democratic process. Congress should then pass additional legislation to establish strong standards for elections across the country, including promoting more accessible options for voting, banning partisan gerrymandering, and ending the practice of mid-decade redistricting.

Finally, these actions should only be the starting point. The events that have unfolded since *Callais* have revealed the fragility of our country's progress towards a multiracial democracy. In the days, weeks, and years to come, we must not only recover the gains lost due to the Supreme Court's disastrous decisions but explore structural changes and bolder reforms that can finally realize the promise of a democracy free of racial discrimination.

Thank you again for this opportunity to submit Campaign Legal Center's views for the record. This hearing cannot and will not be the last word. We stand ready to work with all lawmakers who are committed to building a government that truly represents every American.

²¹ Sam R. Garrett, *The Voting Rights Act: Historical Development and Policy Background*, Cong. Rsch. Serv. (April 25, 2023), <https://www.congress.gov/crs-product/R47520>.

²² See VRA Amendments Act of 1982, *supra* note 3.

²³ *Id.*