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November 25, 2025

VIA E-Filing

The Honorable Scott S. Harris
Clerk of Court
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

**Re: *Louisiana v. Callais*, No. 24-109 (consolidated with
Robinson v. Callais, No. 24-110)**

Dear Mr. Harris:

I write on behalf of the State of Louisiana in response to the Robinson appellants' letter dated November 24, 2025. Two brief points are warranted.

First, it is astounding to see the Robinson appellants proclaim that federal courts “can engage in a § 2 remedial process without requiring racial classifications.” Letter at 2. That was not what they said in the *Robinson* litigation, where virtually every paragraph in their complaint demanded a second majority-black district.¹ See Tr. of Oral Arg. 80 (“Your

¹ See, e.g., Compl. ¶ 4, *Robinson v. Ardoine*, No. 22-cv-211 (M.D. La. Mar. 30, 2022), ECF 1 (“two distinct majority-Black congressional districts”); see also *id.* ¶ 9 (“two majority-Black districts”), ¶ 10 (“two majority-Black congressional districts”), ¶ 17 (“a remedial second majority-Black district”), ¶ 21 (“a second majority-Black district”), ¶ 22 (“a second majority-Black district”), ¶ 23 (“a second majority-Black district”), ¶ 24 (“a second majority-Black district”), ¶ 25 (“a second majority-Black district”), ¶ 26 (“a second majority-Black district”), ¶ 27 (“a second majority-Black district”), ¶ 28 (“a second majority-Black district”), ¶ 29 (“a second majority-Black district”), ¶ 45 (“two opportunity districts comprised of a majority of Black voters”), ¶ 48 (“a second opportunity district comprised of a majority of Black voters”), ¶ 49 (“a second majority Black congressional district”), ¶ 51 (“a second majority-Black congressional district”), ¶ 52 (“a second majority-Black opportunity district”), ¶ 55 (“two majority-Black opportunity districts”), ¶ 56 (“a second majority-Black opportunity district”), ¶ 57 (“a second majority-Black district”), ¶ 60 (“two majority-Black opportunity districts”), ¶ 61 (“a second majority-



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Honor, I think step zero in all these cases, it was certainly step zero in the *Robinson* litigation, is the Plaintiffs came in and said we want another majority-Black district.”). That was not the *Robinson* district court said. *Robinson v. Ardoin*, 605 F. Supp. 3d 759, 766 (M.D. La. 2022) (“The appropriate remedy in this context is a remedial congressional redistricting plan that includes an additional majority-Black congressional district.”). And it is not what the *Robinson* appellants said in this Court. *See, e.g.*, Stay Appl. 25, *Robinson v. Callais*, No. 23A994 (U.S. May 8, 2024). (“The *Robinson* litigation provided the Legislature with more than sufficient reasons to conclude that it needed to draw a second majority-Black district[.]”); *id.* at 31 (“[L]egislators understood their obligation to remedy the § 2 violation identified in the *Robinson* litigation by creating an additional majority-Black district.”); *id.* at 39 (“The Legislature proceeded to enact a map with a second majority-Black congressional district, which was the remedy that *Robinson* Applicants sought through years of litigation and advocacy.”).

The Court should ignore the *Robinson* appellants’ daydreaming about what this case would look like if they had not demanded, the *Robinson* courts had not directed, and the Louisiana Legislature had not enacted a second majority-black district.

Second, it is equally astounding to see the *Robinson* appellants praise a recent district court order in *Alabama State Conference of the NAACP v. Allen*, No. 21-cv-1531 (N.D. Ala. Aug. 22, 2025), as a “race-

Black district”), ¶ 62 (“two majority-Black opportunity districts”), ¶ 63 (“two second majority-Black opportunity districts”), ¶ 64 (“a second majority-Black district”), ¶ 67 (“a second majority-Black opportunity district”), ¶ 70 (“two majority-Black opportunity districts”), ¶ 72 (“a second majority-Black opportunity district”), ¶ 76 (“a second majority-Black district”), ¶ 77 (“a second majority-Black opportunity district”), ¶ 78 (“two majority-Black districts”), ¶ 81 (“two majority-Black districts”), ¶ 88 (“two majority-Black districts”), ¶ 90 (“a second majority-Black district”), ¶ 93 (“two majority-Black districts”), ¶ 112 (“Louisiana’s Black population has become sufficiently large and geographically compact as to necessitate two majority-minority congressional districts.”), ¶ 150 (“a second majority-Black district”), ¶ 154 (“a second majority-Black district”), ¶ 155 (“a second majority-Black district”), ¶ 156 (“a second majority-Black district”), ¶ 158 (“two majority-Black districts”), ¶ 159 (“two majority-Black districts”), ¶ 161 (“a second majority-Black district”), ¶ 163 (“two majority-Black districts”).



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blind” remedial order that does not “requir[e] racial classifications” or “rely[] on racial stereotypes.” Letter at 2. To the contrary, the *Allen* order exemplifies the ugliness inherent in race-based redistricting. While the *Allen* court purported to adopt a “race-blind” map, *see Allen* Op. 1, 7; *but see id.* at 22 (the map “mov[es] some Black voters”); *id.* at 25 (“reassign[s] some Black voters”), that map is rooted in blatant racial classifications and stereotypes. That is because the *Allen* court ordered “an additional district [] in which Black voters otherwise have an opportunity to elect a Senator of their choice.” *Id.* at 3 (citation omitted). But a mapmaker cannot draw such a district unless he (or, here, the court) has first (a) classified voters based on their race and then (b) determined which candidates many (most?) black voters prefer.

That is what happened in *Allen*. Although the special master purported to ignore race altogether in drawing the map the court ultimately selected, *id.* at 7, the racial inputs were already built in through the court’s directives about how black voters generally vote. That is why the special master (and the *Allen* court) repeatedly discussed the performance of the adopted and unadopted plans in terms of “Black-preferred candidates.” *See id.* at 9 (“The Special Master reasoned that for a proposed remedial district to perform as an opportunity district, ‘an effectiveness analysis in this case should demonstrate that the Black-preferred candidate often would win an election in the subject district.’”); *see id.* at 10, 11, 12, 13, 14, 15, 16, 17, 23, 24 (same). That is precisely the sort of racial classification—and then racial stereotypes based on that classification—prohibited by our Constitution yet embedded within the *Gingles* and remedial phases under current Section 2 precedents. *See La. Supp. Reply Br.* 3–4 (explaining, as an empirical matter, that the unconstitutional stereotyping stems from an obviously incorrect assumption that a given racial group is 100% politically cohesive).



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Respectfully submitted,

/s/ J. Benjamin Aguiñaga

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cc: All Counsel of Record