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**LDF Media**  
[media@naacpldf.org](mailto:media@naacpldf.org)

## **LDF Advocates For Arkansas Congressional Redistricting Lawsuit To Go To Trial**

*LDF Files Brief Opposing Arkansas's Motion for Summary Judgment in Redistricting Case*

Late yesterday, the Legal Defense Fund (LDF), O'Melveny & Myers LLP, and longtime LDF cooperating attorney Arkie Byrd filed a [brief](#) in opposition to the state of Arkansas's motion for summary judgment in [a lawsuit](#) challenging the way the state's congressional districts were redrawn in 2021.

The lawsuit was filed last year, in May, on behalf of the Christian Ministerial Alliance and five Black voters, Patricia Brewer, Carolyn Briggs, Lynnette Brown, Mable Bynum, and Velma Smith. The lawsuit contends that the Arkansas state legislature discriminated against Black voters in Pulaski County - where Little Rock is located - by cracking the Black community in southeastern Pulaski County across three different congressional districts. In December 2023, three federal judges unanimously [denied](#) a motion to dismiss the lawsuit, allowing it to proceed.

Last month, the state of Arkansas filed a motion for summary judgment, seeking to dismiss the lawsuit without trial. Yesterday's [brief](#) is Plaintiffs' response to that motion. It argues that the evidence shows that the legislature discriminated against Black voters in Pulaski County and that the lawsuit should go to trial as is currently scheduled to begin in late March 2025.

"The Arkansas legislature singled out Black voters in Pulaski County for unequal treatment and other harm when redrawing the state's new U.S. congressional map," **said LDF Senior Counsel Leah Aden.** "In an unprecedented three-way split of Pulaski County, the legislature unnecessarily spread Black voters across three congressional districts by splitting county, city, and other boundary lines with high concentrations of Black people, abandoning their purported key legislative priorities to keep political boundaries whole. The evidence also demonstrates that the race of voters, rather than their political affiliations, explains the sorting. And using race as a substitute or even as a means for political advantage is unconstitutional and cannot stand."

"This brazen attempt to diminish the voting power of Black Arkansans must not go unchallenged," **said Dan Bookin, an O'Melveny attorney.**

"The cracking of Pulaski County Black voters across three congressional districts effectively erased the voting power that should have followed the increase in the Black population in Pulaski County," **said Ashley Pavel, an O'Melveny attorney.**

“The Arkansas General Assembly singled out voters in southeast Pulaski County on account of their race, dividing them among three congressional districts, diluting their voting power, and diminishing their political influence,” **said cooperating attorney Arkie Byrd**. “That is unconstitutional — a violation of the 14<sup>th</sup> and 15<sup>th</sup> Amendments of the U.S. Constitution — and our clients deserve their day in court to remedy this injustice and restore their voting rights.”

After months of discovery, the trial-worthy evidence includes the following:

- Between the 2010 and 2020 censuses, the proportion of Black voters grew statewide and especially in Pulaski County, which gave Black voters a growing voice in the Second Congressional District. The challenged redistricting came shortly after Black voters showed growing influence in local races, and after Black state Senator Joyce Elliott ran a competitive race against white incumbent French Hill.
- In the redistricting that followed the 2020 Census, the state removed parts of southeast Pulaski County from the Second Congressional District and—in an extraordinary departure from traditional redistricting principles—split those areas up across two other congressional districts.
- The areas of southeast Pulaski County targeted by this unprecedented cracking included disproportionate numbers of Black voters, while the areas that were moved into the Second Congressional District were overwhelmingly white and had very few Black voters.
- In addition to cracking the Black community in southeast Pulaski County, the cities of Little Rock and North Little Rock, multiple school districts, and a historically significant judicial district were all split across congressional districts.
- Legislators and legislative staff who assisted with drawing the maps had detailed information about the racial demographics of proposed districts; no political performance data was available on the official software they used to draw congressional districts.
- Expert analyses reveal that Black voters were disproportionately targeted by the redistricting, even as compared to white voters with the same party affiliation; for example, Black Democratic voters were more likely to be removed from the Second Congressional District than white Democratic voters.
- Exemplar alternative maps demonstrate that targeting Black voters for these harms was no coincidence; the legislature did not need to crack the Black community in southeast Pulaski County to meet its stated goals, to satisfy traditional redistricting principles, or to achieve any partisan political goals.
- Plaintiffs have also introduced evidence that these most recent changes are part of a long history of suppressing Black political power; since 1980, Arkansas has cracked the Black population among congressional districts, although it has been possible to develop a congressional map in which Black voters are nearly 40% of the population. The state’s choices have ensured that Black voters today are only about one-fifth of the population in three different neighboring congressional districts.

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*Founded in 1940, the [Legal Defense Fund \(LDF\)](#) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.*