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Advocates Applaud Fifth Circuit’s Denial of State’s Request for Reconsideration in *Robinson v. Ardoin*

Today, in *Robinson v. Ardoin*, the Fifth Circuit Court of Appeals denied Louisiana’s motion to revisit the Court’s November 10, 2023 decision upholding the constitutionality of Section 2 of the Voting Rights Act of 1965 (VRA) and recognizing the right of advocacy organizations and individual voters to sue for its enforcement. The challenge against the State’s discriminatory congressional map was brought by the Legal Defense Fund, the American Civil Liberties Union, ACLU of Louisiana, Harvard Election Law Clinic, Tracie Washington, John Adcock, and Paul, Weiss, Rifkind, and Wharton & Garrison LLP, under Section 2 of the VRA. Plaintiffs are the Louisiana State Conference of the NAACP, Power Coalition for Equity and Justice, and individuals Press Robinson, Dorothy Nairne, E. René Soulé, Alice Washington, and Clee Ernest Lowe.

“The Fifth Circuit’s denial of defendant’s *en banc* petition provides a resounding answer to Defendants’ baseless attempts to deny access to the Courts for Black plaintiffs and justice for Black Louisianians,” said **LDF Assistant Counsel Kathryn Sadasivan**. “We are pleased that the Fifth Circuit’s order today defends our clients’ right to access the federal courts to vindicate their rights under the Voting Rights Act. Louisianians have already been forced to vote under a discriminatory map because of Defendants’ delay tactics, it is critical that Black Louisianians are not silenced in more elections in the state.”

“The Fifth Circuit has now twice rejected the State’s radical request to undo decades of precedent under the Voting Rights Act,” Megan Keenan, **an attorney with the ACLU’s Voting Rights Project**. “Today’s order confirms what decades of cases brought by voters to enforce their rights under the Voting Rights Act had already made clear: a private right of action exists under Section 2, and it’s not going anywhere.”

“The court’s denial of the defendants’ motion brings us one step closer to justice for Black voters in Louisiana,” said **Nora Ahmed, ACLU of Louisiana legal director**. “We are eager to bring this matter to trial and fight for congressional districting maps that uplift Black voices and choices in Louisiana instead of suppressing them. We encourage our supporters across the state to pay attention to this case, share it with

their friends and families, and help us hold our leaders accountable for defending voting rights for all Louisianians."

On November 11, 2023, the Fifth Circuit Court of Appeals agreed with a lower court that the State had likely violated the Voting Rights Act and set a timeline for the legislature or district court to act to install a new congressional map with two majority-Black districts in time for the 2024 elections.

Defendants had requested *en banc* review of this decision, asking whether Section 2 creates a private right of action, as well as challenging the continued constitutionality of Section 2.

The Louisiana Legislature is expected to be called into special session in mid-January to attempt to pass a new map compliant with the VRA. If they pass no new map, trial will commence on February 5. If the Legislature passes a map that Plaintiffs do not believe complies with the VRA, a trial will instead begin on March 25.

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