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United States Senate

COMMITTEES
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April 30, 2026

The Honorable Todd Blanche
Acting Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Acting Attorney General Blanche and Assistant Attorney General Dhillon:

I write in my capacity as Chairman of the Senate Judiciary Committee's Subcommittee on the Constitution, which has oversight responsibility for constitutional rights, civil-rights enforcement, voting-rights enforcement, and the Department of Justice's Civil Rights Division. I also write to support and encourage the Department's efforts to restore the Civil Rights Division to its proper mission: enforcing the Constitution and the civil-rights laws as written, not as vehicles for racial engineering or partisan litigation. The Supreme Court's decision in *Louisiana v. Callais* gives the Department an important opportunity to do just that.[1] I write to urge you to seize this opportunity to protect Americans by enforcing Section 2 of the Voting Rights Act.

The Attorney General has ample authority to act here. In Section 12 of the Voting Rights Act, Congress expressly empowered the Attorney General to bring actions "for the United States, or in the name of the United States," to prevent violations of Section 2 of the Voting Rights Act.[2] The Department has repeatedly used that authority to sue states, counties, cities, school districts, and other political subdivisions under Section 2.[3] That same authority can now ensure Section 2 is enforced faithfully after *Callais*. The point is straightforward: if DOJ had authority to invoke Section 2 against so many districts in the past, it also has authority to ensure that Section 2 is no longer deployed as a pretext for unconstitutional racial gerrymanders. After *Callais*, enforcing Section 2 includes preventing Section 2 from being misused and remediating past abuses.

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[1] *Louisiana v. Callais*, Nos. 24-109 & 24-110, slip op. (U.S. Apr. 29, 2026); 52 U.S.C. § 10308(d); 28 C.F.R. § 0.50(a); U.S. Dep't of Just., *Guidance Under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, for Redistricting and Methods of Electing Government Bodies* 2 (Sept. 1, 2021).

[2] 52 U.S.C. § 10308(d). Section 2 of the Voting Rights Act is codified at 52 U.S.C. § 10301. Section 10308(d) authorizes the Attorney General to bring actions for preventive relief whenever a person has engaged, or there are reasonable grounds to believe a person is about to engage, in conduct prohibited by § 10301. *Id.*

[3] See, e.g., Complaint, *United States v. Texas*, No. 3:21-cv-00299 (W.D. Tex. Dec. 6, 2021) (DOJ Section 2 challenge to Texas's 2021 congressional and state-house redistricting plans); Complaint, *United States v. Galveston County*, No. 3:22-cv-00093 (S.D. Tex. Mar. 24, 2022) (DOJ Section 2 challenge to county commissioners-court redistricting plan); Complaint, *United States v. Fayette County*, No. 2:25-cv-02047 (W.D. Tenn. Jan. 15, 2025) (DOJ Section 2 challenge to county-commission redistricting plan); Complaint, *United States v. Town of Lake Park*, No. 9:09-cv-80507 (S.D. Fla. Mar. 31, 2009) (DOJ Section 2 challenge to at-large method of election); Complaint, *United States v. Euclid City Sch. Dist. Bd. of Educ.*, No. 1:08-cv-02832 (N.D. Ohio Dec. 2, 2008) (DOJ Section 2 challenge to at-large school-board elections); U.S. Dep't of Just., Civil Rights Div., *Cases Raising Claims Under Section 2 of the Voting Rights Act*, https://www.justice.gov/crt/cases-raising-claims-under-section-2-voting-rights-act-0 (last visited Apr. 29, 2026); U.S. Dep't of Just., Civil Rights Div., *Voting Section Litigation*, https://www.justice.gov/crt/voting-section-litigation (last visited Apr. 29, 2026).

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The Supreme Court's decision in *Callais* represents a major correction in Voting Rights Act jurisprudence. It is a decisive reaffirmation that "Section 2 of the Voting Rights Act of 1965 . . . was designed to enforce the Constitution—not collide with it," and will ensure that lower courts stop applying Section 2 in a way that "forces States to engage in the very race-based discrimination that the Constitution forbids."[4] It also gives the Department guidance, and an enforcement opportunity, to ensure Section 2 is administered in harmony with the Constitution.

Under previous administrations, the Civil Rights Division and allied litigants have too often treated Section 2 as a mandate for race-based redistricting. The Department's own prior guidance described Section 2 as its "principal tool" regarding redistricting and stated that Section 2 prohibits practices with racially discriminatory "results."[5] The Supreme Court has now made clear that Section 2 cannot be administered as a racial-proportionality command, a disparate-impact regime, or a license for race-predominant districting whenever a plaintiff can draw an additional majority-minority district.

The Court held that compliance with Section 2 may provide a compelling interest for race-conscious districting only when Section 2, properly construed, actually requires the challenged district.[6] In Louisiana, it did not. Because the Voting Rights Act did not require Louisiana to create an additional majority-minority district, the Court held that no compelling interest justified the State's race-based map.[7] That conclusion follows from the Supreme Court's broader equal-protection doctrine: race-based government action is subject to strict scrutiny.[8]

Going forward, the Civil Rights Division should ensure that Section 2 theories advanced in court are consistent with *Callais* and with the Equal Protection Clause. That means moving away from racial proportionality, racial targets, disparate-impact theories, race-maximized illustrative maps, and partisan disputes recast as racial claims. It also means reviewing whether existing majority-minority, coalition, influence, crossover, and minority-opportunity districts created or preserved under the old Section 2 regime remain lawful after *Callais*.

In particular, California's recent congressional map also warrants review to the extent litigation or public-record evidence indicates that race was used as a factor in drawing district lines. The Civil Rights Division has an active case involving that map.[9] It should promptly review its pleadings and litigation posture in that case and, if necessary, amend or supplement them to conform to *Callais*.

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[4] *Louisiana v. Callais*, Nos. 24-109 & 24-110, slip op. at 1 (Apr. 29, 2026).
[5] U.S. Dep't of Just., *Guidance Under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, for Redistricting and Methods of Electing Government Bodies* 3, 11 (Sept. 1, 2021).
[6] *Callais*, slip op. at 2-3; see also *Cooper v. Harris*, 581 U.S. 285, 292-93 (2017); *Miller v. Johnson*, 515 U.S. 900, 920–21 (1995); *Shaw v. Hunt II*, 517 U.S. 899, 915 (1996).
[7] *Callais*, slip op. at 35.
[8] See *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 206–08 (2023); *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995); *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 493-94 (1989).
[9] See Complaint, *Tangipa v. United States*, No. 25-cv-10616 (C.D. Cal. Nov. 13, 2025).

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The Department should not wait for private litigants to identify every race-based district one by one. The Civil Rights Division has participated in, monitored, or influenced redistricting litigation for years. It should therefore identify the universe of districts created, preserved, or defended under the old Section 2 regime and determine whether they survive *Callais*.

The Department should act swiftly with urgency: issue guidance implementing *Callais*, review every pending and prior, yet still in effect, Section 2 redistricting matter, and use its authority to stop the VRA from continuing to be used as a pretext for continued unconstitutional racial gerrymandering. I look forward to working with you to ensure the Civil Rights Division enforces Section 2 as an anti-discrimination law—not as a racial districting mandate.

To assist the Department's implementation of *Callais* and to support the Subcommittee's oversight work, I respectfully request that DOJ take the following steps:

1. Issue formal guidance implementing *Louisiana v. Callais*.
   - The Civil Rights Division should provide attorneys and staff clear guidance that Section 2 does not require racial proportionality, may not authorize disparate-impact redistricting theories, and does not justify race-conscious districting unless Section 2 requires the district under the Supreme Court's updated framework.

2. Review pending Section 2 redistricting litigation.
   - DOJ should review pending redistricting matters in which the Department is a party, intervenor, amicus, monitor, or participant to ensure the Department's positions align with *Callais*.

3. Update litigation positions where appropriate.
   - Where DOJ has previously advanced arguments based on racial proportionality, the mere possibility of creating an additional majority-minority district, racial polarization without adequate control for partisanship, or illustrative maps drawn with race as a criterion, the Department should consider whether those positions should be revised.

4. Review districts created under the old Section 2 regime.
   - DOJ should identify majority-minority, coalition, influence, crossover, and minority-opportunity districts whose creation or preservation depended on race-predominant mapmaking, racial targets, racial proportionality, coalition-district theories, or assumptions that *Callais* has now rejected.

5. Support faithful enforcement of Equal Protection.
   - Where district lines were drawn because of race and Section 2 did not actually require the district, DOJ should consider supporting appropriate Equal Protection challenges.

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To help the Subcommittee understand the Department's implementation plan, please provide the following no later than May 22, 2026:

1. A list of all pending Section 2 redistricting matters in which the Department is participating, monitoring, or considering participation.
2. A list of all redistricting matters since January 1, 2020, in which the Department advocated for the creation, preservation, or defense of a majority-minority, coalition, influence, crossover, or minority-opportunity district.
3. A list of all cases or matters in which the Department has argued that Section 2 required race-conscious districting.
4. A written explanation of whether the Department agrees that Section 2 does not authorize disparate-impact redistricting theories after *Callais*.
5. A written explanation of whether the Department agrees that Section 2 plaintiffs must disentangle race from politics.
6. A list of all DOJ Section 2 redistricting cases, statements of interest, consent decrees, settlements, and remedial-map positions that are currently in effect.
7. A list of all electoral districts impacted by this ruling, including every congressional, state legislative, county, municipal, schoolboard, judicial, or other electoral district that is drawn in a way that improperly uses race as a factor.

The Supreme Court has given the Department a historic opportunity to restore Section 2 to its proper role as an anti-discrimination statute, not a racial-proportionality mandate. I look forward to working with you to ensure the Civil Rights Division enforces the Voting Rights Act in a manner faithful to the Constitution, equal protection, and the Court's decision in *Callais*.

The Constitution does not require Americans to be sorted into districts by race. The Voting Rights Act should protect voters from discrimination, not compel States to engage in it. I appreciate your attention to this important matter and look forward to your response.

Sincerely,

Eric S. Schmitt
Chairman
Subcommittee on the Constitution