



Written by [Rebecca Terrell](#) on May 12, 2026

Supreme Court Strikes Down Louisiana Race-based Congressional District, Sparking Redistricting Battles

In a [6-3 decision on April 29](#), the U.S. Supreme Court ruled that Louisiana's congressional map, which relied heavily on race to create a second majority-black district, violates the Constitution. The ruling limits the use of race as the predominant factor in drawing electoral districts under Section 2 of the Voting Rights Act (VRA).

The case centered on Louisiana's map, which Democrats and voting-rights groups had defended as necessary to ensure minority representation. Republican lawmakers argued it constituted racial gerrymandering that prioritized skin color over traditional districting principles such as compactness, contiguity, and political subdivisions.



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Majority Opinion

The [majority opinion](#), written by Justice Samuel Alito, emphasized that while the VRA protects against vote dilution, it does not require states to maximize the number of majority-minority districts when race predominates over other criteria. The majority held that such an approach runs afoul of the Equal Protection Clause of the 14th Amendment, which demands race-neutral processes. Liberal justices dissented, warning that the decision weakens protections for minority voters in Southern states with what they described as histories of discrimination. Meanwhile, Justice Clarence Thomas wrote a concurring opinion, joined by Justice Neil Gorsuch, [arguing](#) that Section 2 of the VRA "does not regulate districting at all." The Court [ruled separately](#) to [immediately finalize](#) the decision.

The initial impact falls on Louisiana, where the current map has been invalidated. Republican Governor Jeff Landry and the GOP-controlled Legislature are expected to call a special session to [redistrict](#) before the 2026 midterms. [Similar challenges](#) could arise in other Southern states, including Alabama, Georgia, and South Carolina, where race-conscious maps have faced litigation.

Proponents of the ruling hailed it as a victory and a rejection of [reverse racism in electoral mapmaking](#). They argue that districts should reflect communities of interest and natural boundaries rather than engineered racial quotas. The ruling does not entirely eliminate race as a factor — states may still consider it alongside traditional criteria — but it raises the bar significantly, requiring maps to survive strict scrutiny when challenged.

Effects of the Decision

Legal experts anticipate a wave of lawsuits and redistricting efforts across the South. Republican leaders in affected states have signaled readiness to act swiftly, with some urging immediate special



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sessions to pass “[fair maps](#)” based on population data rather than racial targets. Democrats and racial pressure-groups have vowed to fight the changes in court, framing the ruling as part of a larger erosion of voting protections.

For the 2026 midterms, the practical effect could have significant consequences if multiple states redraw maps to create more competitive or Republican-leaning districts. However, outcomes will depend on state legislatures’ speed, court interventions, and the specific demographics of each challenged map.

“Liberating Tolerance”

The ruling is seen by some as a return to constitutional color-blindness, and a movement away from the Frankfurt School-style concept of “liberating tolerance,” whereby Marxist intellectuals such as [Herbert Marcuse](#) advocated for suppressing the majority will while emphasizing and prioritizing minority wishes and desires. Marcuse said, “Liberating tolerance, then, would mean intolerance against movements from the Right, and toleration of movements from the Left.”

The Frankfurt School and its stable of intellectuals were a major influence on legal activist Derrick Bell, who believed that the justice system had to be reengineered so that it didn’t operate for the majority, but for a minority. In the 1970s, his philosophy of “[Critical Race Theory](#),” as applied to the field of jurisprudence, was pioneered in a pilot program at Harvard Law School, and, afterward, diffused throughout the rest of the country. Generations of lawyers and judges have since been trained on “liberating tolerance” and “racial gerrymandering” to engage in reverse discrimination to “undo past injustices.” The current ruling may be a small signal that the pendulum is swinging back to the original values of the American justice system and our nation’s foundational commitment to representative government.

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