

# ACLU Files Opening Brief in Appeal of Arkansas Redistricting Case

*Appellants seek to overturn unprecedented decision prohibiting private citizens from challenging discriminatory legislative maps in court*

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LITTLE ROCK, Ark. — The American Civil Liberties Union has filed the opening brief in the appeal of an unprecedented federal district court ruling that dismissed a challenge to a newly drawn, racially discriminatory Arkansas state House map.

The [Feb. 17 ruling](#), issued in the United States District Court for the Eastern District of Arkansas, held that private citizens may not sue to protect their voting rights under Section 2 of the Voting Rights Act (VRA), reasoning that only the U.S. Attorney General may bring a case under the statute.

In doing so, the court upended decades of precedent permitting private individuals to vindicate their rights under the VRA. When the Department of Justice notified the court that it did not intend to intervene, the case was dismissed in spite of the federal government's assertion in this case that private parties are permitted to sue under the VRA.

The following is comment on the submission of the opening brief:

**Kymara Seals, Policy Director, Arkansas Public Policy Panel:**

“Judge Rudofsky’s decision to bar private citizens from filing suit to protect their rights as guaranteed by the Voting Rights Act flies in the face of 50 years of precedent and leaves Black and Brown Arkansans with no protection in cases like this. The Black population in Arkansas increased, but our representation did not. And we believe that was very intentional, so we are going to continue this fight”

**Barry Jefferson, Political Action Chair, Arkansas State Conference of the**

**NAACP:** “This ruling was so radical that there was no choice but to appeal it. This wanton infringement on the sacred right to choose the voice that best represents one’s

community stands in direct conflict with American democracy. Unfair redistricting practices must be called out at every turn.”

The ACLU, ACLU of Arkansas, Law Office of Bryan L. Sells LLC, and Dechert LLP are challenging the map under Section 2 of the Voting Rights Act of 1965 (VRA) on behalf of the Arkansas State Conference of the NAACP and the Arkansas Public Policy Panel. The groups allege that the new map denies Black Arkansans an equal opportunity to participate in the political process and elect candidates of their choice, as required under federal law.

*The ACLU has been [watching key states across the country](#) to ensure new electoral maps are fairly drawn, upholding the Fourteenth Amendment’s guarantee of equal protection and complying with the requirements of the Voting Rights Act of 1965. The ACLU has filed redistricting litigation in [Ohio](#), [South Carolina](#), [Alabama](#), [Georgia](#), and [Arkansas](#).*

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