

CNN's *The Situation Room*

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PAMELA BROWN: All right, we have breaking news right now, a new decision from the Supreme Court that could completely shift this year's midterm elections, potentially. The high Supreme Court is limiting the reach of the Voting Rights Act. CNN chief Supreme Court analyst Joan Biskupic joins us live from right outside the Supreme Court. You were inside when the opinion was read out. Take us inside that room, Joan.

JOAN BISKUPIC: I will, Pam. You know this area of the law. You know how important this case was. And I think, Pam, the drama I saw today and this ruling will stand when this term is finished as the most important decision of the term. The Trump cases get a lot of attention, but most of those rulings are going to be predictable. This one matters so much for the franchise for black and Latino voters. It matters for the 1965 Voting Rights Act. It matters because of the power struggle between Congress and the court. And it matters for Donald Trump's own agenda, in terms of diminishing the ability to vote and go to the polls. Here's what has happened. At issue was a Louisiana district that — where the power of black voters had been diluted because of the way a map had been drawn. And a federal court, a lower federal court had ordered a second black-majority district to be drawn as a remedy to that vote dilution. Another court had come in and said that that's unconstitutional. And this court today indeed threw out the original map that had given black voters in Louisiana a second district where they could elect a candidate of their choice. Louisiana's population is about a third African-American, but right — and this new plan will mean that only one of its six congressional districts would have an African-American majority. But this is much larger than just one state. It will affect voting districts across the South. And it also is, as the center said, the final piece in a project that this court has had. Justice Alito spoke first, Pam. He has for years been the voice with Chief Justice John Roberts in terms of narrowing the reach of the 1965 Voting Rights Act. He laid out why they were turning back this key section, but he also said — and this is what made it so dramatic in the courtroom. He said, don't listen to what the dissent is about to say. They're going to overblow it. This isn't that big of a deal. We're not reversing precedent. It was you know very much doth protesting too much. And when he was finished, after 15 minutes just laying out how the court was thinking that this is a fairer approach, that you just have to have much more of a race-neutral approach to voting rights — and that has been, as you know, a theme of Chief Justice John Roberts, who famously said in 2007, the way to end race discrimination is to stop discriminating on race, but a lot of people in the country believe you have to take account of race to have a remedy. Then Justice Kagan, sitting right next to Sam Alito, began to speak. And you can see why he tried to sort of preempt what she was going to say, because she said, this Supreme Court agenda, project to destroy the Voting Rights Act is now complete. And then she said, this was a law that was paid for literally by the blood of people. And she referred, Pam, to Bloody Sunday — Sunday back in March of 1965, when marchers were beaten as they were crossing the Edmund Pettus Bridge. And it was only after that incident that LBJ, President Johnson, was able to get the Voting Rights Act through Congress.

And it has stood since then. But this Supreme Court has been slowly, slowly, slowly rolling it back. Justice Kagan just did not mince any words. She was dissenting, along with Justices Sotomayor and Ketanji Brown Jackson. In the majority with Sam Alito were the five other conservatives led by the chief, John Roberts, Neil Gorsuch, Brett Kavanaugh, Clarence Thomas and Amy Coney Barrett. And, coincidentally, just as an aside, those six conservatives were the six who were invited to Donald Trump's dinner last night, not with the three liberals. And this goes to kind of this larger situation we have. I'm sure you have already had folks on air talking about how many states now are going to go to this opinion and try to redistrict to minimize the chances for blacks to elect a candidate of their choice. But they can do that now if they just say, well, politically, we're going to offer a race-neutral reason for this. And, frankly, what it'll do is give Republicans across the South much more of a stronger hand than Democrats just because of what past voting patterns have been. But this — the divisions that I saw play out reflect so much the polarized court and how under siege the liberals feel. Justice Kagan reminded everyone that, back in 2013, in the *Shelby County v. Holder* decision, which ended another major plank of the Voting Rights Act, how much states had been taking advantage of that to institute things like voter I.D. requirements, new redistricting maps. And what she predicted with this ruling — and I don't think it's far-fetched, only based on what states had been able to do before today's ruling — is, she said, what's going to happen is it will diminish black representation nationwide and essentially return us to the pre-Reconstruction era. I know that sounds like hyperbole, but — and it was very dramatic today, but just because of where this court has gone, and how states have been taking advantage of where this court has been going, and how the Trump administration has been taking advantage of where this court is going, that's why I say I believe that this decision will be the most important going forward for the country for this entire term, Pam.

BROWN: Wow, I mean, you really just laid it out for us to understand all sides of this and the implications for minority voters across the country. And we just got this statement and from Louisiana secretary of state, Nancy Landry, saying this about the ruling: "My lawyers are currently analyzing the opinion. We are limited in what we can say at this time, as this continues to be active litigation with the case remanded for proceedings back to the Western District." I know that's a lot of legalese, but the bottom line is, early voting starts soon in Louisiana, Joan. So what can officials do there in light of this opinion?

BISKUPIC: Well, they can basically do whatever they want. And that's going to happen in a couple other states too, that what they can do is, they can push back some dates. They can — they're — first of all, the Supreme Court definitely threw out the map with two black-majority districts, so we know that cannot be used. That will not be used, for sure. So what they will probably do, once they read the opinion carefully, as was just suggested there, probably draw a map that provides only one black-majority district. But, as you know, Pam, like, Florida is in the middle of redistricting efforts now too. Other places are. And so I really anticipate that other states will do it. But if they don't do it for 2026, they will get it in place for 2028. And then, by the — when we get to 2030 with the next round of a census and redistricting, it really will change all the ground rules for what states consider, because, basically, what the court did today was to say, if you're going to try to challenge vote dilution — and vote dilution is real. Lower court judges have found it to be real. Lower court judges who have been appointed by Republican presidents have found it to be a real problem, particularly in the South, but other places too. And

what's going to happen is, find — just identifying vote dilution will not be enough to get a map changed. They're going to — the challengers are going to have to say that there are no race-neutral reasons for this. And that's awfully hard, especially because of the partisan alignment between whites generally voting Republican and blacks generally being affiliated with the Democratic Party, Pam.

BROWN: All right, Joan, stay there. I want to go to CNN chief national affairs correspondent Jeff Zeleny, because you heard Joan really laid this out and the far-reaching implications. It could have an impact on the midterms and beyond here.

JEFF ZELENY: There's no doubt about it. And early voting, to Joan's point, does begin on Saturday in Louisiana, this Saturday. The overseas ballots have already been shipped out. So that explains the timing here. And I think it's important to look at this in a couple different ways, the short-term effect and the long-term effect. And Joan is absolutely right. There is no doubt, in years beyond, this is going to majorly change representation largely across the South and elsewhere, likely opening the door for more Republican seats certainly in Southern states. But, even before we get to that, in Florida, as the opinion was being read, as Justice Kagan was reading her dissent from the bench and as Justice Alito was reading his majority opinion, the Florida House of Representatives at that very hour passed the new Florida maps. Now they have to go to the Florida State Senate, but this ruling likely makes legal challenges to the Florida action much more difficult. And just to remind our viewers, Florida, of course, is redrawing some of its maps to give Republicans four more seats. That comes after Democrats in Virginia had a statewide referendum that would likely give Democrats four more seats. It's really the culmination of a yearlong gerrymandering war. But this ruling is going to change in 2028 and in years beyond, making it more difficult to challenge the drawing of this map, but, again, unclear about the actual effects in the midterm elections, because some states have already had their primaries. Candidate filing deadlines have already passed, so it's possible that some states will call a special session of a legislature and try and change maps or postpone elections, like Louisiana. We will see. We have to see how that plays out. But I think the bigger impact of this is in the years to come. And, Pam, I'm thinking back right now to 13 years ago, when Congressman John Lewis was standing in his office watching as the first pillar of the Voting Rights Act was struck down. He said he was sad and dismayed for that. Now, of course, this is sort of a full circle, a major moment in American history, I think, for the dilution of the Voting Rights Act. And we will see the actual impacts going forward, but, again, short term versus long term, likely not major impacts in the midterm races. But they have already been upended by so much mid-decade redistricting already.

BROWN: Yes. And you're right. You mentioned the *Shelby* case the Supreme Court had. And, in that case, they made it so that these Southern states no longer have to go for federal review if they make changes to their election laws.

ZELENY: Right.

BROWN: And this is all rooted in a history of discriminating against black voters, right? That is why the Voting Rights Act was put into place in the first place —

ZELNY: For sure.

BROWN: — and why critics are saying that this decision further erodes the Voting Rights Act. Thank you so much, Jeff Zeleny, Joan Biskupic. We appreciate it.