



**Written Testimony of Edward D. Greim
Response to Written Questions following May 19, 2026 Testimony
August 5, 2026**

United States Senate Committee on the Judiciary
Subcommittee on the Constitution

Chairman Schmitt, Ranking Member Welch, and Members of the Subcommittee, I am pleased to submit the following responses to the follow-up questions of Sens. Booker and Welch.

Senator Cory Booker

1. In your testimony you said that:

[I]f a state or court intends to rely on Section 2 [of the Voting Rights Act of 1965] to create or preserve a “remedial” majority-minority district, then they must meet three conditions” in addition to the regular elements for making a Section 2 claim:

(a) The majority-minority district cannot be drawn with race a districting criterion. And the district must meet traditional and non-racial redistricting criteria, including any non-racial political goals of the state.

(b) Racially polarized voting must be shown to stem from racial animus—the desire to vote for or against someone because of their race—and be separated from the mere circumstance where different races tend to vote for different parties because of different political beliefs.

(c) There must be a showing of factors indicating an objective likelihood of intentional racial discrimination in districting in the area where the remedial district was drawn.

a. How can a state or court practically create a majority-minority district without using race?

Answer: The court or state can use traditional, non-racial factors that might turn out, for non-racial reasons, to yield a majority-minority district. The problem is not that a majority-minority district results from districting, but that the majority-minority district was drawn on the basis of race.

b. Can legislators use non-racial political goals (e.g., partisan gain) as a pretext for minimizing the voting power of a minority group?

Answer: If legislators are trying to minimize the voting power of a racial minority because of and based on its race, they can't falsely claim that they had a different, non-racial intent.

- c. In a hypothetical based on your theory and second prong, if a minority group in a state makes up sizable percent of the state's population and overwhelmingly supports Party A but there is at least one minority voter who votes for Party B, does that justify there being no majority-minority district?

Answer: This hypothetical is incomplete under the controlling law. These facts alone neither justify a majority-minority district nor justify the non-existence of a majority-minority district. Indeed, the Constitution never asks whether the "existence" of a majority-minority district is "justified." It instead asks whether race-based districting occurred and, if so, whether it is permissible.

- d. Would you agree that *Callais's* intent test shifts the burden of proof to the injured minority party seeking redress from the legislators in charge of redistricting when it otherwise would have been the latter's burden under the 1982 Amendment's results test?

Answer: No. The burden of proof has always been on the party trying to justify an unconstitutional race-based districting by citing the Voting Rights Act. *Callais* clarified the law by aligning the elements of proof with the protections extended to all Americans under the constitution, and in light of actual circumstances and developments in redistricting.

- e. What constitutes an objective likelihood of intentional racial discrimination by legislators in districting in the area where the remedial district was drawn? How high is that bar?

Answer: The bar is neither "low" nor "high," it is instead precisely what is set forth in *Thornburg v. Gingles*, 478 U.S. 30 (1986), as clarified in *Callais*, which is presented in greater detail at pages 3-4 of my previously submitted written testimony.



Senator Peter Welch

1. You testified that “*Callais* brings the VRA back to the plain text of the law that was actually passed at the amendment in 1982. To read the VRA any other way is to either make it meaningless or make it unconstitutional.” Please explain how the Supreme Court’s decision in *Louisiana v. Callais* is consistent with Section 2 of the Voting Rights Act.

Answer: *Callais* ensures that Section 2 is only used when there is an objective reason to believe that race-based districting occurred, which was the original intent of that Section and is the outer bounds of congressional remedial authority under the Fourteenth and Fifteenth Amendments.

2. According to reporting from the New York Times, none of the plaintiffs testified during the three-day trial in the case. One of the plaintiffs told reporters that he was not aware that he had signed up to be involved in a lawsuit, speculating that he had received “a direct mail piece” about challenging Louisiana’s voting map.
 - a. Did your firm or any of your co-counsels solicit plaintiffs in the case with a mailer? If so, please explain how you identified potential plaintiffs and what additional means of identifying plaintiffs you used, if any.
 - b. How many of the 12 plaintiffs have you met in your case, and on what occasions?
 - c. Please explain how you ensured that each of the 12 plaintiffs had standing to challenge Louisiana’s maps.

Answer: I object and decline to answer on grounds of attorney-client privilege and attorney work product. It also violates the First Amendment associational rights of the plaintiffs and counsel. It is also beyond the scope of my testimony. It is also beyond the scope of the Subcommittee’s hearing and beyond the scope of any legitimate legislative purpose.



3. In numerous cases, the Supreme Court has declared that the Equal Protection Clause of the Constitution creates a principle of “one person, one vote,” that is, a principle of equal representation in voting.
- a. Do you believe *Baker v. Carr* (1962) was correctly decided? Please explain.
 - b. Do you believe *Gray v. Sanders* (1963) was correctly decided? Please explain.
 - c. Do you believe *Reynolds v. Sims* (1964) was correctly decided? Please explain.
 - d. Do you believe *Wesberry v. Sanders* (1964) was correctly decided? Please explain.

Answer: Yes, the outcome was generally correct on the facts of each case, and the reasoning was generally correct to the extent the cases decided general principles of population equality in the drawing of certain kinds of districts, commonly referred to as the principle of “one person, one vote.” That is still the law. However, the law has developed for decades after each of these cases, and sometimes today the cases are incorrectly cited in support of principles they did not actually decide.

Respectfully submitted,

A handwritten signature in black ink, which appears to read 'Edward D. Greim', is positioned above the printed name.

Edward D. Greim