

Introduction to the 2026-1 Edition

We are pleased to provide you with the 2026-1 Edition for *Federal Civil Rights Acts 3d*. *Federal Civil Rights Acts 3d* is a comprehensive treatment of current civil rights law, by Rodney A. Smolla, President of the Vermont Law and Graduate School.

New features and recent developments in this 2026-1 Edition include:

- In *CoreCivic, Inc. v. Governor of New Jersey*, the Third Circuit held that New Jersey had crossed a constitutional line by frustrating federal immigration policies to which New Jersey was opposed. The state passed a law with the “intent” to forbid new contracts for civil immigration detention. The Third Circuit held that the New Jersey law impermissibly interfered with the federal government’s core power to enforce immigration laws. While the New Jersey law may have been an indirect, not direct, affront to federal power, the Third Circuit, quoting from the Supreme Court, held that it must examine the law for what it really was, admonishing intergovernmental immunity “is not a formalist doctrine.” *See* § 1:63.
- In *Jackson v. Tarrant County, Texas*, the Fifth Circuit applied *Rucho* to hold that the political question doctrine barred a federal lawsuit challenging new district maps based on residents’ partisan affiliations, intending to diminish the political strength of Democratic voters. The court noted that while “it is emphatically the province and duty of the judicial department to say what the law is,” there are times when “the judicial department has no business entertaining the claim of unlawfulness—because the question is entrusted to one of the political branches or involves no judicially enforceable rights.” *See* § 2:77.
- The Third Circuit, in *Oldham v. Pennsylvania State University*, dealt with allegations that during a cross-country flight following a fencing tournament, Penn State’s assistant fencing coach sexually harassed and assaulted the plaintiff, a woman in the seat next to him. The issue before the Third Circuit was whether the plaintiff, who was a member of the Penn State fencing “community” but not an actual employee or student at the university, nonetheless qualified as a person within the “zone of interests” protected under Title IX. The court concluded that she was. *See* § 8:25.

- In *Lange v. Houston County, Georgia* the Eleventh Circuit applied the Supreme Court's decision in *Skrmetti* to reject a Title VII claim brought by a transgender woman. The case was brought by Anna Lange, a transgender woman and deputy at the Houston County Sheriff's Office. They sought male-to-female sex change surgery and requested that the County's employer-provided health insurance pay for it. But because the County's insurance policy excluded drugs for sex change surgery and services and supplies for a sex change and/or the reversal of a sex change, the insurer denied Lange's request. The Eleventh Circuit rejected Lange's Title VII disparate treatment claim, relying on *Skrmetti*. See § 9:121.
- In *Turtle Mountain Band of Chippewa Indians v. Howe*, the Eighth Circuit held that because § 2 of the Voting Rights Act does not unambiguously confer an individual right, plaintiffs do not have a cause of action under § 1983 to enforce § 2 of the Voting Right Act. See § 14:104.