NOTES

Inclusive Louisiana v. St. James Parish: The Fifth Circuit Rejects Judicial Indifference Toward Environmental Discrimination

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I. OVERVIEW

In *Inclusive Louisiana v. St. James Parish*, the United States Fifth Circuit took an important step forward in protecting against environmental racism. The case arose from a challenge by three organizations, Inclusive Louisiana, Mount Triumph Baptist Church, and RISE St. James ("the Plaintiffs"), to St. James Parish's ("the Parish") land-use practices.[1] The Plaintiffs alleged that the Parish deliberately concentrated hazardous industrial facilities in predominantly Black districts while segregating predominantly White districts from similar development.[2] The Plaintiffs brought numerous claims against the

1. Inclusive La. v. St. James Parish, 134 F.4th 297 (5th Cir. 2025), cert. denied sub nom. St. James Parish, La. v. Inclusive La., No. 25-195, 2025 WL 2949577 (U.S. Oct. 20, 2025).

2. *Id.*

Parish,[3] but, pertinently for this note, the Plaintiffs alleged that the Parish violated their rights under the Fourteenth Amendment.[4] The district court dismissed the complaint on multiple grounds: It found the claims time-barred, concluded that the Plaintiffs lacked standing, and held that the complaint failed to state a claim upon which relief could be granted.[5] The Fifth Circuit, however, reversed on all counts and, most notably, *held* that the Plaintiffs sufficiently pled stigmatic injury to establish standing under the Equal Protection Clause of the Fourteenth Amendment. Inclusive Louisiana v. St. James Parish, 134 F.4th 297 (5th Cir. 2025), *cert. denied sub nom*. St. James Parish, LA v. Inclusive LA, No. 25-195, 2025 WL 2949577 (U.S. Oct. 20, 2025).

II. BACKGROUND

The Plaintiffs in *Inclusive Louisiana* raised their Thirteenth and Fourteenth Amendment claims by alleging, inter alia, a stigmatic injury. This stigmatic injury was created, the Plaintiffs alleged, in part because of the historic way St. James regulated the industrialization in different districts in the Parish. In defense, the Parish argued that the Plaintiffs lacked standing to bring their claims.

A. History of St. James and Its Districts

Located between Baton Rouge and New Orleans, St. James Parish was created in 1807 by the Orleans Territorial Legislature.[6] Its citizens are now divided amongst seven numbered districts, each varying in size.[7] Despite having a near equal number of White and Black residents in the Parish, the majority of its districts are racially unbalanced.[8] The Fourth and Fifth Districts are majority-Black, while the Third and Seventh Districts are majority-White.[9] While the number of majority-White and majority-Black districts is the same, the rate of industrialization in the

3. *Id.* The Plaintiffs also brought claims under the Thirteenth Amendment, 42 U.S.C. §1982, the Religious Land Use and Institutionalized Persons Act, and Article XII Section Four of the Louisiana Constitution. This Note focuses only on the Plaintiffs' claims under the Fourteenth Amendment.

4. *Id.* at 303.

5. *Id.* at 304.

6. *Parish History*, ST. JAMES PARISH LA., https://stjamesla.com/240/Parish-History (last visited Nov. 22, 2025).

7. *Council District Maps*, ST. JAMES PARISH LA., https://stjamesla.com/352/Council-District-Maps (last visited Nov. 22, 2025).

8. *Inclusive La*.,134 F.4th at 301.

9. *Id.*

districts is not.[10] The district with the highest concentration of Black residents, the Fifth District, has seen the highest rate of industrialization while the district with the highest concentration of White residents, the Third District, has seen the lowest rate of industrialization in the Parish.[11]

The Parish houses approximately twenty-four industrial facilities and has chosen to place twenty of them in the majority-Black districts.[12] Over the objections of its residents, the Parish "granted every single request by corporations to locate their heavy industrial facilities in majority-Black districts in the Parish, while rejecting requests to locate those facilities in or near majority-White districts."[13] In 2014, the Parish adopted a land-use plan, that was later amended in 2018, which "designat[ed] large swaths of the Fourth and Fifth Districts as 'Industrial' despite heavy residential concentration in those districts."[14] The plan established buffer zones to protect "churches, schools, and tourist plantations" in White areas of the Parish, but it provided "no comparable buffer zone protection for Black churches and schools."[15]

The Fifth District, which is majority-Black and has five of the ten largest industrial facilities located in the Parish, ranks in the ninety-fifth percentile nationwide for "risk of developing cancer from exposure to toxic air pollution," while the Third District, which is majority-White and has no industrial facilities located in it, ranks in the 34th percentile.[16] In addition to innumerable forms of cancer, the pollution generated by the industrial facilities have been linked to severe health defects "including respiratory and cardiovascular disease, brain damage, lung and tissue damage, and increased risk of death from COVID-19."[17] As a result of the heavy industrialization, the majority-Black districts are now part of what has come to be known as "Cancer Alley."[18]

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10. *Id.*

11. *Id.*

12. *Id.* The Parish has not permitted an industrial facility to open in a majority-White district in the past forty-six years.

13. *Id.*

14. *Id.*

15. *Id.*

16. *Id.*; *see also* Chris Staudinger, *Squeezed out: All Risk and No Reward for the Residents of St. James Parish 5th District*, https://antigravitymagazine.com/feature/squeezed-out-all-risk-and-no-reward-for-the-residents-of-st-james-parish-5th-district/ (last visited Nov 22, 2025).

17. *Id.* at 302.

18. *Id.* at 300; *see also* Delaney Dryfoos, *The Majority-Black Districts that Became Cancer Alley*, https://www.wwno.org/coastal-desk/2024-10-07/the-majority-black-districts-that-became-cancer-alley (last visited Nov 22, 2025).

B. Article III Standing

The concept of "standing" in federal courts refers to a plaintiff's right to have a federal court adjudicate the claims on which they seek relief.[19] For a plaintiff to have standing, they must demonstrate "(1) [they have] suffered an 'injury in fact'; . . . (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision."[20] If a plaintiff fails to sufficiently allege any of these three factors in a claim, the court must dismiss the claim for lack of standing. In other words, a court cannot waive the requirement of standing. Accordingly, standing is a commonly raised defense, as without standing, a case cannot proceed.

Bringing an environmental suit for toxic air exposure adds another layer of complexity as a plaintiff typically alleges an economic harm to establish standing, but "many environmental harms—such as polluted water, species in threat of extinction, and contaminated air—may not translate into an economic injury to an individual plaintiff."[21] For example, the damage in a land loss suit is typically visible and the economic injury is based on the decrease in property value while, in an air pollution case, the damage is less perceptible and the injury, such as respiratory issues, has no concrete economic gauge.[22]

C. Standard for Proving Stigmatic Injury

The concept of stigmatic injury refers to discriminatory harm inflicted against a constitutionally protected class. While few courts have found stigmatic injury to exist, courts have delineated the requirements for proving stigmatic injury when holding that none occurred. The first case to begin to provide a definition for stigmatic injury was *Allen v.*

19. Library of Congress, https://constitution.congress.gov/browse/essay/artIII-S2-C1-6-1/ALDE_00012992/ (last visited Nov 22, 2025).

20. Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc., 528 U.S. 167, 180-81 (2000) (citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992)).

21. Marisa Martin & James Landman, *Standing: Who Can Sue to Protect the Environment?*, https://www.americanbar.org/groups/public_education/publications/insights-on-law-and-society/volume-19/insights-vol--19---issue-1/standing--who-can-sue-to-protect-the-environment-/ (last visited Nov 22, 2025).

22. Charlie Gibbons & Stephanie Biehl, *Assessing the Mechanisms Underlying Property Diminution Damages*, https://www.americanbar.org/groups/environment_energy_resources/resources/natural-resources-environment/2024-summer/assessing-mechanisms-underlying-property-diminution-damages/ (last visited Nov 22, 2025).

Wright.[23] In *Allen*, a group of Black parents filed suit against the Internal Revenue Service for not enforcing its rule that discriminatory schools should not benefit from tax exemptions.[24] To support their argument of standing, the plaintiffs alleged that they had been harmed by the fact that the government gave financial aid to discriminatory schools and because these tax exemptions "impair their ability to have their public schools desegregated."[25] The Court found against the plaintiffs, reversed the Court of Appeals's decision, and held that stigmatic injury "accords a basis for standing only to those persons who are personally denied equal treatment by the challenged discriminatory conduct."[26]

No court has expressly defined stigmatic injury but one academic has asserted that "stigmatic harm occurs when a given act or policy sends the message that racial difference renders a person or a group inferior to Whites[.]"[27] While this definition provides an apt summary of stigmatic injury in the context of race, stigmatic injury is not confined only to racial contexts; it may also refer to any discrimination on the basis of a constitutionally protected class.[28] For example, in *Craig v. Boren*, the Court held that a state law that prohibited the sale of beer to boys under twenty-one, but allowed for its sale to girls of the same age, violated those boys' rights under the Equal Protection Clause.[29] In a case like *Craig*, gender discrimination can be the cause of a stigmatic injury.[30]

D. Equal Protection Clause and Its Use in Zoning Litigation

Following the Civil Rights Acts of 1964 and the Fair Housing Act of 1968, Black individuals and other minority groups have challenged zoning and housing policies they claimed to be discriminatory.[31] In the most famous of these cases, *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, the Court upheld its doctrine that

23. Allen v. Wright, 468 U.S. 737 (1984), *abrogated by* Lexmark Intern., Inc. v. Static Control Components, Inc., 572 U.S. 118 (2014).

24. *Id.* at 745.

25. *Id.* at 752-53.

26. *Id.* at 755.

27. R.A. Lenhardt, *Understanding the Mark: Race, Stigma, and Equality in Context*, 79 N.Y.U. L. REV. 803 (2004).

28. *See* Barber v. Bryant, 860 F.3d 345, 356 (5th Cir. 2017).

29. Craig v. Boren, 429 U.S. 190 (1976).

30. *Id.* The Court in *Craig* did not expressly discuss stigmatic injury as the male plaintiffs did not raise the issue, but the facts of *Craig* provide an example of how stigmatic injury could be found based on gender as opposed to race.

31. Robert G. Schwemm, *Reflections on Arlington Heights: Fifty Years of Exclusionary Zoning Litigation and Beyond*, 57 UIC L. REV. 389, 390 (2024).

government policies and regulations will not be held "unconstitutional solely because [they] result in a racially disproportionate impact."[32] The Court stated that, "Proof of racially discriminatory intent or purpose is required to show a violation of the Equal Protection Clause."[33] This decision was in line with recent court decisions; only a year prior, in *Washington v. Davis*, the Court held that "[d]isproportionate impact is not irrelevant, but it is not the sole touchstone of an invidious racial discrimination forbidden by the Constitution."[34] There, the Court upheld a police department's hiring test that eliminated four times as many Black applicants than Whites because the plaintiffs failed to prove discriminatory intent.[35]

Based on *Village of Arlington Heights*, proof that a government policy adversely impacts a minority area while sparing a White area is not enough for a plaintiff to succeed on an Equal Protection claim. Instead, the Court has established five factors a court should employ when determining if there is discriminatory intent behind a policy or regulation: "(1) the historical background of the decision, (2) the specific sequence of events leading up to the decision, (3) departures from the normal procedural sequence, (4) substantive departures, and (5) legislative history, especially where there are contemporary statements by members of the decision-making body."[36]

Using these factors, courts historically have been dismissive of environmental suits based on the Equal Protection Clause or discriminatory intent.[37] For example, in *Bean v. Southwestern Waste Management Corp.*, the court found that the demographic statistics advanced by the plaintiffs failed to establish a "pattern or practice of discrimination[.]"[38] In that case, the court noted that the Texas Department of Health's decision to locate a waste facility within 1,700 feet of a predominantly Black high school was "insensitive and illogical," and that the plaintiffs had proved a substantial threat of irreparable

32. Vill. of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252, 264-65 (1977).

33. *Id.* at 265.

34. Washington v. Davis, 426 U.S. 229, 242 (1976).

35. *Id.* at 237, 252.

36. Overton v. City of Austin, 871 F.2d 529, 540 (5th Cir. 1989) (quoting Vill. of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252, 267-68. (1977)).

37. James H. Colopy, *The Road Less Traveled: Pursuing Environmental Justice Through Title VI of the Civil Rights Act of 1964*, 13 STAN. ENV'T. L.J. 125, 145 (1994) (noting that, as of its publication in 1994, no litigants had been successful in using the Equal Protection Clause in an environmental context).

38. Bean v. Sw. Waste Mgmt. Corp., 482 F. Supp. 673, 677-78 (S.D. Tex. 1979).

injury.[39] However, the court still denied their motion for a preliminary injunction because, under the precedent set by *Davis* and *Arlington Heights*, it did not believe they established "a substantial likelihood of success on the merits," i.e., they could not prove the facility's location was motivated by a discriminatory purpose.[40] Similarly, in *R.I.S.E., Inc. v. Kay*, the court noted that the facts supported the plaintiffs' claims that the county's practice of placing landfill's in majority-Black areas had a disproportionate impact on the majority-Black areas, but still dismissed the plaintiffs' claim for failure to prove discriminatory intent under the *Davis* and *Arlington Heights* standards.[41] Accordingly, proving that particular zoning policies are in violation of the Equal Protection Clause has been a challenging burden for plaintiffs to meet.

III. THE COURT'S DECISION

In evaluating the Plaintiffs' Equal Protection claims, and the Parish's defenses, the *Inclusive Louisiana* court examined whether the Plaintiffs had the requisite standing to proceed. Upon finding the Plaintiffs had standing, the court then discussed whether the Plaintiffs sufficiently demonstrated a systemic injury.

A. Article III Standing and Traceability

Central to the court's opinion was its analysis of Article III standing. The court reiterated that plaintiffs must show a concrete injury, fairly traceable to the challenged conduct, and likely to be redressed by a favorable judicial decision.[42] Rejecting the district court's view that the injuries were too attenuated from the Parish's actions, the Fifth Circuit held that causation is satisfied "so long as 'defendants significantly contributed'" to the Plaintiffs' harm.[43] The traceability requirement does not demand that a defendant be the exclusive cause of the injury, rather there need only be a "causal connection" between the challenged conduct and the alleged harm, and the Plaintiffs established such a connection.[44]

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39. *Id.* at 677, 681.

40. *Id.* at 677, 681. Proving "a substantial likelihood of success on the merits" is one of the four prerequisites a plaintiff must prove before a court will grant a preliminary injunction.

41. R.I.S.E., Inc. v. Kay, 768 F. Supp. 1144, 1149 (E.D. Va. 1991), *aff'd,* 977 F.2d 573 (4th Cir. 1992).

42. Inclusive La. v. St. James Par., 134 F.4th 297, 309 (5th Cir. 2025), *cert. denied sub nom*. St. James Par., La. v. Inclusive La., No. 25-195, 2025 WL 2949577 (U.S. Oct. 20, 2025).

43. *Id.* (quoting K.P. v. LeBlanc, 627 F.3d 115, 123 (5th Cir. 2010)).

44. *Id.* (quoting Inclusive Cmtys. Project, Inc. v. Dep't of Treasury, 946 F.3d 649, 655 (5th Cir. 2019)).

The court identified several injuries that met this standard. These included interference with religious practices, property devaluation, and other stigmatic harms caused by racially discriminatory zoning policies.[45] The Parish's specific land use decisions, including zoning classifications and permit approvals, were deemed substantial factors contributing to these injuries.[46]

B. Equal Protection and Stigmatic Injury

The court next turned to the Plaintiffs' Equal Protection claims. It emphasized that stigmatic injury, the harm of being personally denied equal treatment, is itself a cognizable Article III injury when plaintiffs plausibly allege that they were the direct targets of racially discriminatory policies.[47] The court noted that the Plaintiffs alleged a longstanding pattern of disparate treatment including the fact that hazardous industrial development was concentrated in predominantly Black districts while White districts were spared such burdens.[48] These allegations, supported by detailed accounts of discriminatory zoning decisions and the Parish Council ignoring letters from Plaintiff members pleading for change, sufficed to establish standing under the Equal Protection Clause.[49]

C. Disposition

Finding that the Plaintiffs' claims were timely, their injuries traceable, and their allegations sufficient under the Equal Protection Clause, the Fifth Circuit reversed the district court's dismissal and remanded the case for further proceedings.[50]

IV. ANALYSIS

By finding that the *Inclusive Louisiana* Plaintiffs had standing to bring their claim, the Fifth Circuit correctly held that those subjected to the malignant and irreversible harm caused by environmental racism should be afforded the protection long promised under the Equal Protection Clause. The Equal Protection Clause has not been widely pled in environmental lawsuits and, when it has, courts have rarely found in

45. *Id.* at 309-11.
46. *Id.*
47. *Id.* at 312.
48. *Id.* at 300-3.
49. *Id.* at 302, 311-12.
50. *Id.* at 312.

the plaintiff's favor.[51] This decision presents a split from precedent and an opportunity for targeted communities to make significant progress toward remedying environmental inequity.

A. Plaintiffs' Injuries Were Traceable

In the noted case, the Fifth Circuit correctly held that the Plaintiffs' injuries were traceable to the Parish's conduct and that the district court erred in denying the Plaintiffs had standing.[52] It found the Plaintiffs' allegations that the Parish had consistently steered hazardous development toward Black areas and away from White areas sufficient for standing under stigmatic injury.[53] This analysis comports with the decision in *Allen*, and with common sense.[54] Taking the Plaintiffs' allegations as true, there are few more discriminatory actions than systemically placing plants that are known to cause cancer in Black neighborhoods while shielding White communities from the same harm. The district court stated that the Plaintiffs "alleg[ed] broadly unequal treatment as a basis for numerous claims" and that this failed to establish standing.[55] In concluding that, the district court failed to consider that the Parish's placement of these plants would inevitably give rise to broad inequality and numerous injuries.

B. A Return to the Equal Protection Clause's Original Intent

The Supreme Court has allowed the Equal Protection Clause to evolve and expand to stop discrimination on the basis of gender, sexual orientation, disability, and many other personal characteristics.[56] While these classes are undoubtedly deserving of protections, confusingly, many of these novel expansions were made at the same time the Court was limiting the Clause's protections of Black people.[57] For example, in December of 1976, the Court decided that an Oklahoma law allowing the

51. *See* R.I.S.E., Inc. v. Kay, 768 F. Supp. 1144, 1149 (E.D. Va. 1991), *aff'd,* 977 F.2d 573 (4th Cir. 1992); Bean v. Sw. Waste Mgmt. Corp., 482 F. Supp. 673, 681 (S.D. Tex. 1979).

52. *Inclusive Louisiana*,134 F.4th at 311-12.

53. *Id.* at 311-12.

54. Allen v. Wright, 468 U.S. 737 (1984), *abrogated by* Lexmark Intern., Inc. v. Static Control Components, Inc., 572 U.S. 118 (2014).

55. Inclusive La. v. St. James Par., 702 F. Supp. 3d 478, 492 (E.D. La. 2023), *rev'd and remanded,* 134 F.4th 297 (5th Cir. 2025), *cert. denied sub nom.* St. James Par., La. v. Inclusive La., No. 25-195, 2025 WL 2949577 (U.S. Oct. 20, 2025).

56. *See* Craig v. Boren, 429 U.S. 190 (1976); Romer v. Evans, 517 U.S. 620 (1996); City of Cleburne, Tex. v. Cleburne Living Center, 473 U.S. 432 (1985).

57. *Contrast Craig* with Vill. of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252 (1977).

sale of 3.2% beer to women as young as eighteen, but prohibiting its sale to men under twenty-one, constituted a denial of equal protection to eighteen- to twenty-year-old males.[58] Conversely, in June of that year, the Court ruled that an employment practice that disproportionately disqualified Black applicants was not a violation of the Equal Protection Clause and, to prove a government action is violative of the Equal Protection Clause, plaintiffs must prove not just discriminatory impact, but discriminatory purpose as well.[59]

As two scholars have noted, "there is little doubt what the Equal Protection Clause was intended to do: stop states from discriminating against [B]lacks."[60] In practice, however, courts have been resistant to using the Equal Protection Clause to stop governments from environmentally discriminating against Black citizens. By holding that the Plaintiffs have standing under the Equal Protection Clause, the *Inclusive Louisiana* court avoided making the mistake that so many courts before have, namely, ignoring that the Equal Protection Clause was enacted for the sole purpose of protecting Black citizens from racist government policies. In St. James, that is precisely the relief the Plaintiffs sought.

Too often courts refuse to apply laws as they were written and for the purpose they were intended, merely for the sake of preserving the status quo.[61] As a result, legislative advancements made toward remedying inequalities are set back decades, not democratically, but through the decisions of unelected judges. Here, the Fifth Circuit refused to add to this history and ensured that the Plaintiffs will have their day in court. The Parish has forced its Black residents to live in an environmental waste zone while simultaneously shielding its White residents from the same harm. This is exactly the conduct Congress sought to prohibit when it passed the Fourteenth Amendment and the Equal Protection Clause.

58. *Craig*, 429 U.S. at 210.

59. Washington v. Davis, 426 U.S. 229 (1976).

60. Brian T. Fitzpatrick & Theodore M. Shaw, *The Equal Protection Clause*, NAT'L CONST. CTR., https://constitutioncenter.org/the-constitution/amendments/amendment-xiv/clauses/702#the-equal-protection-clause (last visited Nov. 22, 2025).

61. *See* Dred Scott v. Sandford, 60 U.S. 393 (1857), *superseded* (1868); Plessy v. Ferguson, 163 U.S. 537 (1896), *overruled by* Brown v. Bd. of Ed. of Topeka, Shawnee Cnty., Kan., 347 U.S. 483 (1954); Korematsu v. U.S., 323 U.S. 214 (1944), *abrogated by* Trump v. Hawaii, 585 U.S. 667 (2018).

C. Future of the Litigation

As illustrated in *Arlington Heights*, plaintiffs attempting to prove discriminatory intent face many hurdles.[62] For example, in *R.I.S.E., Inc.*, the court noted that the historic placement of landfills in Black communities was merely a starting point to finding discriminatory intent under the *Arlington Heights* factors and that the plaintiffs failed to satisfy the remaining factors.[63] This difficult task becomes virtually impossible for plaintiffs to achieve without being able to conduct discovery.[64] Even after discovery takes place, plaintiffs often struggle to prove intent without providing the court a "smoking gun," such as a letter or text that explicitly shows a policymaker intended to harm a specific group.[65] Finding the smoking gun has become increasingly difficult for plaintiffs as officials are less likely to make discriminatory beliefs public.[66]

The court's decision in the noted case allows for the Plaintiffs to advance to the discovery stage and affords them the opportunity to prove the Parish was intentionally discriminating against them.[67] As the court noted in Bean, "discovery could lead to much more solid and persuasive evidence . . . [and] [c]ould resolve a number of the questions which the Court considers unanswered."[68] There, because of the pretrial nature of preliminary injunctions, the plaintiffs had not been able to conduct discovery and lost their motion; this will no longer be a hurdle the *Inclusive Louisiana* Plaintiffs will have to overcome.[69]

While this is a massive victory for the Plaintiffs, the community at large will benefit as well. The citizens of St. James will now have the opportunity to discover whether their elected leaders were acting with malice when they concentrated harmful industrialization into predominantly Black areas. At every level of government, transparency is widely sought but seldom attained. Citizens of every government have a vested interest in knowing what their elected leaders are doing behind closed doors but, here, it is truly a matter of life and death. If there is

62. Village of Arlington Heights v. Metro Hous. Dev. Corp., 429 U.S. 252, 271 (1977).

63. R.I.S.E., Inc. v. Kay, 768 F. Supp. 1144, 1149 (E.D. Va. 1991), *aff'd,* 977 F.2d 573 (4th Cir. 1992).

64. *See* Bean v. Sw. Waste Mgmt. Corp., 482 F. Supp. 673, 680 (S.D. Tex. 1979).

65. Aliza Hochman Bloom, *Inferable Discrimination: A Landmark Decision Addresses Selective Law Enforcement*, AM. CONST. SOC'Y, https://www.acslaw.org/expertforum/inferable-discrimination-a-landmark-decision-addresses-selective-law-enforcement/#_edn18 (last visited Nov 22, 2025).

66. *Id.*

67. *Bean*, 482 F. Supp. at 680.

68. *Id.*

69. *Id.*

evidence that shows St. James officials intended to protect White communities at the expense of Black communities, the public deserves to know, and this may be their only opportunity.

In October 2025, the Supreme Court declined to review the Fifth Circuit's decision and will allow the suit to proceed to trial.[70] Legally, this decision is a landmark case for claims of environmental racism, but it will also have a profound impact on real people. If the Plaintiffs succeed in court, the moratorium on new industrial sites will give the Black communities in St. James much-needed relief from further harm. More abstractly, this decision could prove to be a turning point for environmental claims across the nation. The discriminatory zoning practices seen in St. James are common throughout the nation, and now potential plaintiffs in those communities will have a framework and favorable precedent to work from.[71] In all likelihood, this decision will inspire other victims of discriminatory zoning practices and environmental racism to seek judicial relief. This could be the jump-start environmental justice litigation needed.

The future of this suit remains uncertain, and the Plaintiffs will face many hurdles throughout the course of the trial. As discussed above, proving discriminatory intent is no easy task, even after conducting discovery. Furthermore, while the Supreme Court declined to intervene in this case, its decision in the Louisiana Voting Rights Act matter could have significant implications for St. James.[72] If the Court decides that using race to draw districts is unconstitutional, then the racially divided districts of St. James could also be in jeopardy. Regardless, this decision marks an important development in how the judiciary will evaluate future claims of environmental racism.

V. CONCLUSION

The Court's decision in *Inclusive Louisiana* set important precedent regarding who has standing to bring claims of stigmatic injury resulting from environmental racism. The environment and citizens of Louisiana continue to face novel and ever-growing threats from over-

70. St. James Par., La. v. Inclusive La., No. 25-195, 2025 WL 2949577 (U.S. Oct. 20, 2025).

71. Maudlyne Ihejirika, *What Is Environmental Racism?*, https://www.nrdc.org/stories/what-environmental-racism (last visited Nov 22, 2025).

72. Dayle Chung, *The Supreme Court Hears Second Set of Oral Arguments on Section 2 of the Voting Rights Act in Louisiana v. Callais*, STAN. L. SCH., https://law.stanford.edu/2025/11/04/the-supreme-court-hears-second-set-of-oral-arguments-on-section-2-of-the-voting-rights-act-in-louisiana-v-callais/ (last visited Nov 22, 2025).

industrialization, and this decision may provide those most impacted with the instrument they need to ensure they are not being targeted on the basis of their race.

John Miller Edwards*

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