

Baker, Sarah

From: Victor M. Jones [REDACTED]
Sent: Thursday, January 18, 2024 4:56 PM
To: House & Governmental Affairs; Senate & Gov Affairs Cmte
Subject: Written Testimony re Redistricting
Attachments: 2024.1.18 Martinet BLSA Ltr re Redistricting.pdf

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Dear Chair Beaulieu and Chair Fields,

Please see the attached written testimony on behalf of the Greater New Orleans Martinet Legal Foundation, and the Black Law Students Association chapters at Tulane Law School, Loyola University New Orleans College of Law, Southern University Law Center, and the Louisiana State University Paul M. Hebert Law Center concerning redistricting matters, for the ongoing 2024 First Extraordinary Session.

Thank you for your consideration.

Victor M. Jones, Esq.



MARTINET
GREATER NEW ORLEANS CHAPTER



January 18, 2024

Sent via email

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Re: Written Testimony to Committees on House Governmental Affairs and Senate Governmental Affairs Regarding Redistricting

Dear Chair Beaulieu, Chair Fields, and Other Members of the House and Senate Governmental Affairs Committee:

The Greater New Orleans Martinet Legal Foundation, Inc. and the Black Law Students Association chapters at Tulane Law School, Loyola University New Orleans College of Law, Southern University Law Center, and the Louisiana State University Paul M. Hebert Law Center write to urge the Committees on House and Governmental Affairs and Senate and Governmental Affairs and the entire Louisiana Legislature engaged in the redistricting process to, during the 2024 First Extraordinary Session of the Louisiana Legislature called by Governor Landry (*See* Executive Order No. JML 24-01) (the “2024 Special Session”), adopt congressional and Louisiana

Supreme Court redistricting maps that each create an additional district comprised of a majority of minority voters (“majority-minority district”) to ensure fair representation, non-discrimination in redistricting, and compliance with Section 2 of the Voting Rights Act of 1965 (“Section 2”).

The aforementioned organizations are predominantly comprised of Black attorneys, Black law students, and Black jurists in Louisiana.¹ The issue of fair representation for Louisiana’s Black voters—and other voters of color—therefore is of paramount concern to us.

I. We stand with Martinet member Justice Piper Griffin and four other Associate Justices in requesting that the Legislature adopt a map creating a second majority-minority district for the Louisiana Supreme Court during the 2024 Special Session.

By now the Legislature is aware of the December 27, 2023 redistricting proposal prepared by Associate Justices Griffin, Crain, Hughes, Genovese, and McCallum;² and the letters in response thereto by Associate Justice Crichton on December 28, 2023³ and Chief Justice Weimer on December 29, 2023.⁴ Although there is disagreement among the Justices as to how the Supreme Court’s redistricting process should occur, there is consensus among all of the Justices, as reflected in the three letters, that a second majority-minority district needs to be created for the Louisiana Supreme Court.⁵

We applaud the Supreme Court’s Justices for seeing value in the need for fair representation in their court. We further applaud Governor Landry for including the Louisiana Supreme Court redistricting matter in the 2024 Special Session. We believe that the time is now for the Louisiana Legislature to show that it too values fair representation for this state’s highest court. By adopting a map during the 2024 Special Session that creates a second majority-minority district for the Louisiana Supreme Court, Black voters and other voters of color, whom the Legislature serves, will have the long overdue opportunity for fair representation in the Louisiana Supreme Court in time for the 2024 election.

Having fair representation in the Louisiana Supreme Court is important for all citizens. As observed by the Brennan Center for Justice in its report, *State Supreme Court Diversity*, “[a] diverse bench is crucial to achieving a fair system of justice and promoting public trust in our courts.”⁶ However, for Black Americans, “who are disproportionately involved with the judicial

¹ The Baton Rouge Louis A. Martinet Legal Society (“Baton Rouge Martinet”) is also an organization that is predominantly comprised of Black law students, attorneys, and jurists in Louisiana. The organization’s president is currently out on bereavement leave, and therefore, the undersigned organizations were unable to obtain the president’s consent to this written testimony on behalf of Baton Rouge Martinet.

² See generally Wesley Muller, *Map with 2nd Black Louisiana Supreme Court district clears House committee*, La. Illuminator (Jan. 16, 2024) <https://lailluminator.com/2024/01/16/map-with-2nd-black-louisiana-supreme-court-district-clears-house-committee/>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Brennan Center for Justice, *State Supreme Court Diversity – May 2022 Update* (May 20, 2022) <https://www.brennancenter.org/our-work/research-reports/state-supreme-court-diversity-may-2022-update>.

system,”⁷ and for whom there is a “widespread belief that our judicial system denies equal treatment,”⁸ the need for fair representation in the state’s highest court is of a particularly pressing concern.

Notwithstanding the importance of racial diversity in the judicial system, “[a]cross the country, state supreme courts continue to fail to reflect the diversity of the communities they serve.”⁹ In Louisiana, as the Legislature is aware, there is only one sitting Louisiana Supreme Court Justice who is Black—Justice Piper Griffin of Louisiana Supreme Court District 7.¹⁰ According to the 2020 Census population estimates, 31.4% (nearly one-third) of the state’s total population identifies as Black.¹¹ Including the District of Columbia, Louisiana has the third highest percentage of Black citizens per state in the country.¹² As observed by Justice Griffin and four other Associate Justices in their redistricting proposal, “[t]he current election districts have not been updated in more than 25 years.”¹³ As such, we believe, the Louisiana Supreme Court districts are not proportionate to the Black voter population in Louisiana.

Moreover, having fair representation is important for Black law students and Black attorneys in Louisiana, in terms of our ability to set professional aspirations. Members of the Black legal community in the greater New Orleans area know that becoming a Louisiana Supreme Court Justice is not impossible because generations of Black attorneys and law students have seen Black justices elected to the bench: first with Justice Revius Ortique in 1992,¹⁴ then with Justice Bernette Joshua Johnson in 1994 and 2000,¹⁵ and now with Justice Piper Griffin in 2020.¹⁶ Unfortunately, it is difficult for Black attorneys and law students residing beyond District 7 to believe that someday they too can prevail in an election for a Louisiana Supreme Court Justice seat, as no Black Justices have ever been elected in the other six Louisiana Supreme Court districts.

It has taken litigation for each of the three Black Justices of the Louisiana Supreme Court to be elected to the court. The 2024 Special Session presents this Legislature with the opportunity

⁷ Sherrilyn A. Ifill, *Racial Diversity on the Bench: Role Models and Public Confidence*, 57 WASH. & LEE L. REV. 405, 408 (2000).

⁸ *Id.* at 408-409.

⁹ See *supra* note 6. According to the Brennan Center,

In 20 states, no justice identify as a person of color, including in 12 states where people of color make up at least 20 percent of the population. There are no Black justices in 28 states. There are no Latino justices in 39 states. There are no Asian American justices in 43 states. There are no Native American justices in 47 states.

¹⁰ The Supreme Court of Louisiana Historical Society, *The Louisiana Supreme Court Welcomes New Associate Justice Piper D. Griffin – January 1, 2021* (Jan. 1, 2021), <https://www.sclahs.org/2021/01/the-louisiana-supreme-court-welcomes-new-associate-justice-piper-d-griffin-january-1-2021/>.

¹¹ See NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC., ET AL., LTR. TO HOUSE AND SENATE GOVERNMENTAL AFFAIRS COMMITTEE (Feb. 4, 2022) <https://www.naacpldf.org/wp-content/uploads/2022.2.4-Letter-in-Opposition-to-HB1-SB5-SB20.pdf>.

¹² World Population Review, *Black Population by State 2024*, <https://worldpopulationreview.com/state-rankings/black-population-by-state> (Last reviewed Jan. 16, 2024).

¹³ See generally, *supra* note 2.

¹⁴ See generally, Jonathan C. Augustine and Hon. Ulysses Gene Thibodeaux, *Forty Years Later: Chronicling the Voting Rights Act of 1965 and its Impact on Louisiana’s Judiciary* 66 LA. L. REV. 453 (2006) (Discussing how the Voting Rights Act of 1965 and *Chisom v. Edwards* led to the elections of Justices Ortique and Johnson).

¹⁵ *Id.*

¹⁶ See *supra* note 10.

to show citizens of color throughout Louisiana that the Legislature does prioritize fair representation in the state's highest court among its values.

II. We stand with Plaintiffs in *Robinson v. Ardoin* in urging the Legislature to adopt a map creating a second majority-minority congressional district during the 2024 Special Session.

As the Legislature is aware, the Louisiana congressional redistricting case *Robinson v. Ardoin* has been in litigation since 2022.¹⁷ In June 2022, the Middle District of Louisiana blocked the congressional map that was enacted by the Legislature on the grounds that the map was racially discriminatory and in violation of Section 2.¹⁸ Most recently, in November 2023, the United States Fifth Circuit Court of Appeals vacated the Middle District of Louisiana's grant of a preliminary injunction and deemed that a new map can and should be enacted in 2024.¹⁹

This is the third legislative session in which the Legislature has been presented with the opportunity to adopt a map enacting a second congressional majority-minority district. We submit that the time for enacting such a map is now—during the 2024 Session—rather than later, further delaying this long overdue redistricting process with an additional trial and subjecting the public to even more costly litigation. We specifically urge the Legislature to adopt the maps advocated by the Plaintiffs in *Robinson*²⁰ because as plaintiffs, they represent Black citizens in Louisiana (including the undersigned) in seeking fair representation for congressional districts and have garnered support from local and national organizations whose work, like the work of our organizations, entails fighting for racial equality in Louisiana.²¹ Finally, as members of the legal community, we urge the Legislature to adopt maps advocated by the *Robinson* Plaintiffs because we believe in the rule of law, and the Federal Court has determined that Louisiana's Black citizens are entitled to the creation of a second majority-minority district under Section 2 of the Voting Rights Act.

* * *

In conclusion, we urge the Legislature during the 2024 Special Session to earnestly consider and prioritize its obligations under the Voting Rights Act to ensure that Louisiana's Black voters have the right to an equal opportunity to elect candidates of their choice and the right to fair representation. We thank you for your consideration.

¹⁷ See NAACP Legal Defense and Educational Fund, Inc., *Federal Court Blocks Louisiana's New Congressional Map, Orders Lawmakers to Draw Map with Two Majority-Black Districts*, NAACP Legal Defense and Educational Fund <https://www.naacpldf.org/wp-content/uploads/LA-PI-Win-Outcome-Final.pdf> (last visited Jan. 17, 2024).

¹⁸ *Id.*

¹⁹ See *Robinson v. Ardoin*, 86 F.4th 574, 601-602 (5th Cir. 2023).

²⁰ The *Robinson* Plaintiffs are the Louisiana State Conference of the National Association for the Advancement of Colored People (NAACP), Power Coalition for Equity and Justice, and individuals Dr. Press Robinson, Dorothy Nairne, E. Rene Soule, Alice Washington, Cleo Ernest Lowe, Davante Lewis, Martha Davis, and Ambrose Sims.

²¹ See *supra* note 17. The organizations supporting the *Robinson* Plaintiffs include the NAACP Legal Defense & Educational Fund Inc. ("LDF"), the American Civil Liberties Union of Louisiana ("ACLU of Louisiana"), the American Civil Liberties Union ("ACLU"), the Campaign Legal Center, Voters Organized to Educate ("VOTE"), Louisiana Progress, Fair Districts Louisiana, E. Pluribus Unum, Black Voters Matter Fund, Louisiana Budget Office, League of Women Voters, Urban League of Louisiana, and the Louisiana Justice Institute.

Sincerely,

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The New Orleans Martinet Legal Foundation, Inc.

The New Orleans Martinet Legal Foundation, Inc. (the “Foundation”) was established in 1999 as the charitable, 501(c)(3) arm of the Greater New Orleans Louis A. Martinet Legal Society, Inc. The goals of the Foundation are to: (1) endow the future of the Greater New Orleans Louis A. Martinet Legal Society, Inc.; (2) support deserving law students and law student programs, which enhance the quality of legal education; (3) support public forums where lecture, discussion, and debates of legal subjects of public interest are presented to the general public; (4) finance in whole or in part litigation that is of significant public interest; (5) publish scholarly writings on legal subjects to disseminate to the general public; (6) promote through scholarship and other media, the history and works of individuals who have furthered justice and equality in the African-American community; and (7) improve the administration of justice and promote high ethical standards for lawyers and judges.

The Loyola Black Law Student Association, A.P. Tureaud Chapter

Black Law Student Association (BLSA), A.P. Tureaud Chapter, established in 1969, is geared to recruiting and maintaining the enrollment of black students in the College of Law. Members of the organization recruit black students from colleges and universities throughout the region. Tutorial services are also offered to help maintain the enrollment level of black students. The society, open to all interested law students, maintains contact with related national organizations and other law schools throughout the country that support similar programs.

Black Law Students Association, Tulane Law School

The Tulane Chapter of the Black Law Students Association articulates, promotes, and supports the academic and professional needs and goals of Black Law Students. Aid and empowerment is targeted through (1) the fostering of community; (2) aiding the retention, recruitment and placement of Black Law Students; (3) instilling in Tulane Law Students a greater awareness of and commitment to the needs of the Black community locally, nationally, and internationally; and (4) influencing the legal community and inviting meaningful change by meeting the needs of the Black community.

Black Law Students Association, Southern University Law Center

The mission and purpose of the Southern University Law Center’s (SULC) Black Law Students Association (BLSA) is to increase the number of culturally responsible Black and minority attorneys who excel academically, succeed professionally, and positively impact the community. SULC BLSA aims to articulate and promote the educational, professional, political, and social needs and goals of Black law students, foster and encourage academic and professional competence among Black law students and attorneys, improve the relationship between Black law students, Black attorneys, and the American legal structure, instill in the Black attorney and law student a greater awareness and commitment to the social, political, and legal needs of the Black community, and influence the legal system by advocating for and bringing about meaningful legal changes.

Black Law Students Association, Louisiana State University Paul M. Hebert Law Center

The mission of LSU BLSA is to utilize the collective resources of its members and alumni to articulate and promote the educational, professional, political, and social needs and goals of Black law students. Our goal is to foster and encourage professional competence, and improve the relationship between Black law students, Black attorneys, and the legal community. By generating a greater awareness and commitment to the needs of Black law students we hope to influence the legal community and bring about meaningful legal and political change.