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LDF Responds to the Dissolution of the Historic Chisom Consent Decree for Louisiana Supreme Court

On August 29, a majority of the en banc panel of the U.S. Court of Appeals for the Fifth Circuit issued a decision that allows the state of Louisiana to end the landmark *Chisom* consent decree over various dissents. The *Chisom* consent decree ensured Black Louisianans had an opportunity to elect their preferred member to the state’s Supreme Court from an Orleans Parish-based district (the “*Chisom* seat”). The decree was issued following the United States Supreme Court’s 1991 ruling in *Chisom v. Roemer*, litigated by LDF, which held that racial vote dilution in judicial elections is barred by Section 2 of the Voting Rights Act. Before advocates filed the *Chisom* lawsuit in the late 1980s, *no* Black person had ever been elected to the Louisiana Supreme Court. Since the decree was entered, three Black justices have been elected to the *Chisom* seat.

The *Chisom* plaintiffs’ counsel – LDF, Cozen O’Connor, and Louisiana civil rights attorneys William P. Quigley and Ronald L. Wilson – issued the following statement in response to the U.S. Court of Appeals for the Fifth Circuit’s en banc decision:

“For more than 30 years, the *Chisom* consent decree has ensured the voices of Black New Orleanians could be heard when deciding who should serve on Louisiana’s Supreme Court. With this decision, the en banc majority went out of its way to relieve the state’s Attorney General of its obligations under federal law without providing any evidence that the decree’s purpose and all the obligations to which the state agreed had been satisfied. Prior to the en banc decision, a trial court and a three-judge appellate panel rejected the Attorney General’s attempts to vacate the consent decree for failing to satisfy its evidentiary burden to do so. Nevertheless, the importance and significance of the consent decree during its operation can neither be overstated nor erased.

“While we are pleased the *Chisom* seat will be maintained, and Black Louisianans will have an additional opportunity to elect a judge of their choice in a Baton-Rouge based district, we remain unmoored in our commitment to using all available avenues to

protect Black voting power should there be any future attempts to dilute it in elections for the Louisiana Supreme Court."

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Founded in 1940, the [Legal Defense Fund \(LDF\)](#) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.