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June 7, 2011

Louisiana State Legislature
900 North Third Street
Baton Rouge, LA 70804

Dear State Legislator:

**Re: Statement in Support of House Bill 582 Concerning the Thirty-Second
Judicial District in Terrebonne Parish**

The NAACP Legal Defense and Educational Fund, Inc. ("LDF") urges the Louisiana State Legislature to pass House Bill 582 which would put in place a new election scheme for the Thirty-Second Judicial District in Terrebonne Parish.

African Americans represent a large and growing share of Terrebonne Parish's population. African Americans currently comprise 19% of the parish population, an increase of 13.7% since 2000 and 31.9% since 1990. Yet under the current at-large method of election, African-American voters in the parish lack an equal opportunity to elect the candidates of their choice to the Thirty-Second Judicial District. Although judicial districts are not bound by the constitutional requirement of one-person, one-vote, they are subject to Section 2 of the Voting Rights Act. *See Chisom v. Roemer*, 501 U.S. 380 (1991). Accordingly, under Section 2, the state must ensure that minority voters have an equal opportunity to elect candidates of their choice. The redistricting plan proposed by House Bill 582 would create a reasonably compact majority-minority election section whose boundaries are virtually coterminous with the boundaries of the City of Houma. In our view, this section, with a black voting age population of 52.35%, would provide African American voters in the parish a more equal opportunity to elect a judicial candidate of their choice. The narrow and limited relief afforded by House Bill 582 is appropriately tailored to the discriminatory effects produced by the current at-large method of election in the Thirty-Second Judicial District and may resolve concerns of vote dilution under Section 2 of the Voting Rights Act.

House Bill 582 is consistent with previous efforts by the Louisiana State Legislature to resolve concerns of vote dilution within the state judiciary. Most recently, in 2005, the Louisiana State Legislature passed Act 261 in response to litigation brought under Section 2 of the Voting Rights Act in the United States District Court for the Eastern District of Louisiana. *See Williams v. McKeithen*, No. 05-1180 (E.D. La. filed Mar. 29, 2005). In *Williams*, LDF represented African American plaintiffs who alleged that the at-large scheme for electing judges to the Louisiana Fifth Circuit Court of Appeals diluted the voting strength of African Americans in the Fifth Circuit's First District in Jefferson Parish. Act 261 provided for the establishment of two sub-sections within the Fifth Circuit's First District. Pursuant to the Act, of the six judges now elected

from the First District, one judge is elected from Election Section Two and the other five remaining judgeships are elected from Election Section One.

House Bill 582 is particularly important given the recent history of racial insensitivity experienced by African-American voters in the Thirty-Second Judicial District. In 2003, Timothy Ellender, a judge currently serving on the Thirty-Second Judicial District appeared at a Halloween party wearing blackface makeup, an afro wig, handcuffs, and a prison jumpsuit. He was accompanied by his wife who was dressed as a police officer. The Judiciary Commission of Louisiana conducted a thorough review of the incident and concluded that by wearing his “black face prisoner costume” in public on Halloween, Judge Ellender portrayed African Americans in a racially stereotypical manner that perpetuated the notion of African-American men as both inferior and as criminals.¹ The Commission also found that Judge Ellender’s conduct called into question his ability to be fair and impartial towards African-Americans who appear before his court as defendants in criminal proceedings, as well as towards any African-American litigant or attorney in any proceeding before him, thereby creating the appearance of impropriety. The Commission determined that Judge Ellender’s public conduct was prejudicial to the administration of justice in violation of the Louisiana Constitution.

Despite calls for his resignation, Judge Ellender was suspended for a mere six months for the incident. This recent history underscores the need for a more representative court system in Terrebonne Parish and House Bill 582 can help achieve this result.

For those reasons identified above, LDF strongly urges the Louisiana State Legislature to pass House Bill 582 which represents a measured response to help achieve a more diverse and representative judiciary within Terrebonne Parish. We understand that the Terrebonne Parish School Board and Parish Council have all adopted resolutions supporting this effort. In our view, House Bill 582 would provide Terrebonne Parish’s African-American community with an equal opportunity to elect a candidate of its choice to the Thirty-Second Judicial District. Should you have any questions regarding this letter, please contact Kristen Clarke at 212-965-2268 or kclarke@naacpldf.org.

Sincerely,



Kristen Clarke, Esq.
NAACP Legal Defense and Educational Fund, Inc.

¹ See Opinion, In re: Judge Timothy C. Ellender (Judiciary Commission of Louisiana, 2004) available at <http://www.lasc.org/opinions/2004/04o2123.opn.pdf>