

THE FIGHT FOR FAIR ELECTORAL OPPORTUNITY FOR THE 32ND JDC CONTINUES: TERREBONNE PARISH BRANCH NAACP ET AL. V. JINDAL/EDWARDS ET AL.

A FEDERAL COURT RULED LOUISIANA'S AT-LARGE VOTING SCHEME FOR THE 32ND JDC UNCONSTITUTIONAL

- In August 2017, a federal court found that Louisiana violated the U.S. Constitution and the Voting Rights Act of 1965 (VRA) by intentionally using at-large voting in 32nd Judicial District Court (32nd JDC) elections to discriminate against Black voters.
- Louisiana has used at-large voting to elect the five judges of the 32nd JDC, the state court presiding over Terrebonne Parish, Louisiana, since adopting the unconstitutional practice in 1968, three years after a bipartisan Congress bolstered Black citizens' ability to vote by enacting the VRA, the crown jewel of the civil rights movement.
- Since then, Louisiana has intentionally used at-large voting to deprive Terrebonne's Black citizens of the equal opportunity to elect their preferred judges.
- Rather than divide Terrebonne into geographically-compact single-member districts (as is done elsewhere in Louisiana and around the country), which would have made Terrebonne's Black voters the majority in one district, Louisiana intentionally used at-large voting to dilute Black voting power by overwhelming the votes of the would-be Black majority with the votes of white voters elsewhere in the parish.
- Since Terrebonne's white voters make up the majority under an at-large voting scheme and have historically voted together, the candidate preferences of white voters have consistently overwhelmed the candidate preferences of Black voters.
- Under this intentionally discriminatory scheme, no Black candidate has won a contested election for the 32nd JDC or any other at-large elected position in Terrebonne.
- Over a 20-year period, the candidates preferred by Black voters have been defeated repeatedly and resoundingly in at-large elections, regardless of whether they have run as Republicans, Democrats, or otherwise, or for judicial or non-judicial office.
- In 1994, a Black candidate ran for the 32nd JDC and lost to the remaining white candidates, after receiving 73% of Black voter support, but just 1% of white voter support. Twenty years later, in 2014, a Black candidate ran for the Houma City Court in Terrebonne Parish and lost to the remaining white candidates, after receiving 85% of Black voter support, but just 8% of white voter support.



- In 2008 and 2012, nearly 100% of Black voters in the parish supported Barack Obama as their presidential candidate. No more than 14% of white voters in Terrebonne supported Barack Obama in those presidential elections, and he lost in the parish.
- Because of this racially discriminatory constitutional violation, Black voters were unable to replace a white judge on the 32nd JDC who was suspended by the Louisiana Supreme Court for wearing blackface, an orange prison jumpsuit, handcuffs, and an afro wig as part of his offensive parody of a Black prison inmate. Despite his deplorable conduct, this judge was reelected to the 32nd JDC in 2008.

LOUISIANA'S GOVERNOR AND ATTORNEY GENERAL ARE FIGHTING AGAINST BLACK VOTING RIGHTS

- Instead of accepting the Court's ruling and working to remedy the long-standing constitutional violation, Louisiana's Governor and Attorney General are appealing the trial court's decision. The Attorney General has also hired an expensive, private lawyer on the taxpayers' dime.
- The disempowerment of Black voters in Terrebonne under at-large voting both reflects and perpetuates the **harmful effects of discrimination**, past and present, in voting, employment, education, health, and other areas of life that Black citizens in Terrebonne have suffered.
- **Black median household income** in Terrebonne is only about **55% of white median household income** in the parish.
- The poverty rate for Black people in Terrebonne is about **three times the poverty rate** for white people in the parish.
- About **three times as many** Black households in Terrebonne rely on **food stamps** compared to white households in the parish.
- The unemployment rate of Black people in Terrebonne is almost **double the unemployment** rate for white people.

DISTRICT-BASED VOTING HAS BEEN THE MEANS FOR BLACK ELECTORAL OPPORTUNITY IN TERREBONNE AND THROUGHOUT LOUISIANA

- **The only Black members on the Terrebonne Parish Council and Parish School Board are elected from single-member districts in which Black voters form the majority of the voters.** Those districts were created as a result of a VRA lawsuit in the late 1970s.
- **The first and only Black Justice on the Louisiana Supreme Court was elected from a district in which Black voters form the majority.** That district was created as a result of a VRA lawsuit.
- **Since at least the mid-1980s, Black Terrebonne citizens have fought for a majority-Black district for the 32nd JDC.** That effort began with a lawsuit, *Clark v. Edwards*, which challenged the at-large electoral method for state courts throughout Louisiana, including the 32nd JDC. Though that lawsuit did not bring change to Terrebonne because of the parish's demographics at the time, it brought electoral opportunity and diversity to numerous other courts in Louisiana.
- **Since the mid-1990s, Black Terrebonne lawyers, citizens, and the Terrebonne Parish NAACP have advocated for legislation to provide Black voters with the equal opportunity to elect their candidates of choice to the 32nd JDC.** However, the Louisiana Legislature has rejected six legislative proposals, most recently in 2011, to provide this electoral opportunity. In November 2014, while this lawsuit was underway, a Black attorney who ran unopposed was elected to an open seat on the 32nd JDC. This election does not negate the need for systemic change.
- As the trial court recognized in its 2017 ruling, the election of the Black judge to the 32nd JDC was highly unusual and truly unprecedented. For the first time in the history of Terrebonne, no qualifying white lawyer, of which there were approximately 200 in 2014, competed for the open seat on the 32nd JDC.

• The election of the Black judge took place after this lawsuit was filed. The U.S. Supreme Court has recognized that an election of a Black candidate during the pendency of a voting-rights lawsuit might reflect “a onetime advantage [and] unusual organized political support by white leaders concerned to forestall single-member districting.”

ABOUT THE REMEDY THAT BLACK VOTERS SEEK THROUGH THIS LAWSUIT

- Now that the federal court has declared Louisiana's at-large voting scheme for the 32nd JDC unconstitutional, the lawsuit moves to the remedy stage of the proceedings. Louisiana legislators must act to remedy the violations, including changing to district-based voting for the 32nd JDC. Ultimately, the federal court is obligated to ensure a complete remedy to the violations that it found.
- Plaintiffs, including community leaders such as the Terrebonne Parish Branch NAACP, seek to **create a district-based method of election** for the 32nd JDC. Black voters would comprise the majority in one of the five single-member districts for electing judges to the 32nd JDC.
- There is nothing new about the remedy that plaintiffs seek. Plaintiffs simply want the same district-based voting that is used for numerous other courts in Louisiana and for the Parish Council and Parish School Board in Terrebonne.
- Because the Court has not ordered Louisiana to implement a remedy in this case yet, the Governor and Attorney General's appeal is premature and their hiring of an expensive private attorney to appeal the decision and contest Black voting rights is an egregious misuse of taxpayer dollars (especially given that the state is facing a billion-dollar deficit).

WHAT YOU CAN DO TO SUPPORT FAIR ELECTORAL OPPORTUNITY IN TERREBONNE PARISH

- **Educate** yourself, your friends, neighbors, and social circles about the importance of this case.
- **Inform** yourself, your friends, neighbors, and social circles about why voting matters and take a friend, neighbor, or member of your social circle to register to vote.
- **Urge** your (1) local representatives on the Parish Council and School Board, (2) state legislators, and (3) the Governor and Attorney General to support district-based voting for the 32nd JDC – the same method by which those local representatives and state legislators are elected – through a resolution or legislation. Visit www.tpcg.org, www.tpsd.org, <http://house.louisiana.gov>, <http://senate.la.gov>, <http://gov.louisiana.gov/page/contact>, or <https://www.ag.state.la.us/Contact>, for contact information.
- **Honor** the extraordinarily courageous people in places like Selma, Alabama, who more than 50 years ago, were attacked, humiliated, and killed, and who lost their jobs fighting for the right to participate in the political process, the same right that people in Terrebonne Parish are fighting for today.