



Supreme Court
STATE OF LOUISIANA

JOHN L. WEIMER
CHIEF JUSTICE

400 Royal Street
NEW ORLEANS, LA 70130-8102

TELEPHONE (504) 310-2390
FAX (504) 310-2399

December 29, 2023

Hon. Jeffrey M. Landry
Attorney General and Governor-Elect
landryj@ag.louisiana.gov

Hon. Phillip DeVillier
Representative and Speaker-Designate
devillierp@legis.la.gov

Hon. Cameron Henry
Senator and President-Designate
henryc@legis.la.gov

Hon. Elizabeth Murrill
Solicitor General and Atty. General-Elect
murrille@ag.louisiana.gov

Louisiana Supreme Court Redistricting

Dear Fellow Public Servants:

I write in regards to the letter signed by five of my esteemed colleagues and sent to you yesterday.

I acknowledge and am all too familiar with the litigation pending in the United States District Court for the Middle District of Louisiana referenced by my colleagues, which they indicate has been pending for 4.5 years. Part of that delay resulted from reasons never adequately addressed or explained by the litigants. A stay was surreptitiously filed in this litigation that would have deprived roughly one-seventh of the citizens in Louisiana from going to the polls to elect their choice of a candidate to serve on the Louisiana Supreme Court. Depriving citizens of the right to vote mandates a public explanation by the public official who joined with the NAACP to surreptitiously request the stay to deprive these citizens of the right to vote. Three courageous citizens joined together to intervene in the federal litigation to lift the stay when they recognized this deprivation of the right to vote was simply wrong. The federal judge presiding over this litigation reversed himself and promptly lifted the stay, finding no legal or rational basis for staying the election and assigned reasons. A federal magistrate also assigned reasons why the stay was wrong. Still, as of today, no explanation has been forthcoming as to why the extreme action of staying an election and depriving citizens of the right to vote has ever been offered. The intervention was not to benefit the officeholder, but to insure that one-seventh of the citizens of Louisiana in the parishes of Assumption, Iberia, Lafourche, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, Terrebonne, and a portion of the west bank of Jefferson could decide who would serve them on our state's highest court.

On Wednesday, December 27, 2023, I was asked to sign the letter sent to you by some of my colleagues yesterday. Justice Crichton has weighed in to express his disagreement with the proposed redistricting. I indicated that I needed time to evaluate the proposed redistricting map. I also requested the electronic data that produced the hard copies so I could better analyze this proposed

redistricting map. I received no response to this request, but did receive a hard copy of the map with other documents attached. Perhaps, I could acquire the electronic data from one of you.

Noteworthy, is that *these documents are dated 12/5/2023, indicating that these documents were prepared early this month*, but not shared with me until Tuesday, leaving me with little time to review the map and extensive proposal. I was not informed who drafted the map or who proposed these districts; however, I was told it reflects a map offered by the NAACP and is designed to protect three current justices who face reelection. Also, I have been advised everyone who has received the letter from my colleagues and the majority of the legislature and the parties to the litigation have all decided that this redistricting plan is final and complete and non-negotiable. I am not privy to who is “calling the shots” such that the legislature has possibly already capitulated to this proposed plan before a public hearing can be held.

As the justice with the longest tenure on the Supreme Court, I am constitutionally tasked with serving as the Chief Justice and assigned the role of serving as “the chief administrative officer of the judiciary system of the state.” I did not ask for this position, rather, the position was constitutionally conferred, and I take my role seriously. Quite candidly, the redistricting plan presented to me does not respect the concept of *communities of interest*¹—an important redistricting concept given the diversity of our great state, which has such rich diversity of people, cultures, beliefs, and ideology.

Proposed District 1, located on the North Shore exclusively, was historically a Jefferson/North Shore district. However, Jefferson is now out and the district reflects a 74.67 percent white and 15.839 percent black voting age population (VAP). This new district was drawn, I am told, to favor

¹ “A community of interest is a group of people concentrated in a geographic area who share similar interests and priorities—whether social, cultural, ethnic, economic, religious, or political.¹ Communities of interests are at the heart of what many consider to be the point of districts designed to have different character, and behind many of the other redistricting rules: a decision to keep a city together, or to keep a compact group of voters together, is often a proxy for ensuring that people with common interests are grouped within the same district.” **A Citizen’s Guide to Redistricting - Where should the lines be drawn?**, <https://redistricting.ils.edu/redistricting-101/how-can-the-public-engage/>.

“Preserving ‘communities of interest’ is another common criterion reflected in state law. By constitution or statute, 15 states consider keeping ‘communities of interest’ whole when drawing state legislative districts; 11 states do the same for congressional districts. A ‘community of interest’ is ... a group of people with a common interest [including] ‘[s]social, cultural, racial, ethnic, and economic interests common to the population of the area ... [A] requirement to follow [parish] boundaries may be based on an assumption that citizens within a [parish] share some common interests Similarly, a compactness requirement may be based on a similar assumption that people who live close to each other have shared [interests].” **A Citizen’s Guide to Redistricting - Where are the lines drawn?**, <https://redistricting.ils.edu/redistricting-101/where-are-the-lines-drawn/#communities+of+interest>.

the current officeholder by eliminating Jefferson Parish and adding Livingston Parish. Proposed District 2 runs from East Carrol in the corner of Northeast Louisiana, south along the Mississippi River, but randomly reaches out to take in Richland and parts of Ouachita, Rapides, St. Landry, and Lafayette Parishes, then south to Iberville Parish, then taking in a part of East Baton Rouge Parish and then moves east through the Felicianas, St. Helena, and ends with a part of Tangipahoa Parish. It is a rambling, disconnected district without an effort to reflect contiguous communities of interest. Proposed District 3 oddly divides Caddo Parish in northwest Louisiana and moves south and southeast to Cameron Parish on the coast, again, without any concern about communities of interest. Proposed District 4 covers much of north Louisiana with part of Caddo and Ouachita Parishes missing and part of Rapides Parish in Central Louisiana missing, again, designed to favor an incumbent, I have been advised. This proposed District 4 plan eliminates the eastern most parishes of north Louisiana that share a community of interest with the other parts of north Louisiana. Proposed District 5 combines parts of the current 5th and 6th Districts, but removes the populous portion of north Lafourche Parish, which, curiously, is where I happen to reside.² Proposed District 6 is grossly and oddly shaped, encompassing coastal Jefferson Parish and running through some portions of the river parishes and northwest to part of East Baton Rouge Parish, and then back through the river parishes—virtually encapsulating District 7, which begins in Orleans Parish and cuts through the heart of two river parishes to include St. James Parish.

Clearly, the proposed districts, as drawn, do not reflect the important concept of communities of interest—a concept long recognized by the districts as currently drawn. The current Supreme Court districts reflect an Orleans area district, a Northshore/Jefferson centered district, a Capitol area district, a Northwest district, a Northeast district, a Southwest district, and a Southeast district—all of which have reflected communities of interest for decades. All points on the compass are represented. These time-honored districts need to be modified because of population disparities, particularly between the Orleans and Capitol districts, but not cast aside and replaced with districts that meander, snake-like, all over the state, randomly gathering parts of parishes that have no commonality. The current districts resemble the seven Congressional Districts that existed decades ago. The governor-elect represented a district very similar to the current Sixth District of the Supreme Court when he was in Congress. He readily understands how the people of that district are so similar. The lack of compact districts in the proposal makes it virtually impossible for voters to know or understand who they are entitled to vote for, which leads to a lack of voter interest. Voters in 12 parishes on different sides of a road will have different justices. The division of parishes should be minimized to avoid challenges in administrative tasks. Historically, each justice from a district addressed the administrative tasks within that justice's district. Dividing parishes and judicial districts unnecessarily creates administrative issues. As indicated, no less than 12 parishes (Caddo, Ouachita, Rapides, St. Landry, Lafayette, East Baton Rouge, Tangipahoa, Orleans, St. John, St. Charles, Jefferson, and Lafourche) have been divided by this proposed map as drawn—almost one-fourth of the parishes in our state.

² I will reach the age of 70 next year and cannot run for reelection after serving the balance of my term (currently 9 years and a few days).

The proposed redistricting map was created with a complete lack of transparency. Frankly, I do not know how this version of redistricting was conceived or concocted. An explanation is owed to the public. Judicial independence dictates that the justices, as a group, draft a plan that is suggested to the legislature—the branch of government charged with drawing district lines. As a group, the justices worked long and diligently, attempting to draft contiguous districts of communities of interest. The proposed plan does not represent what the justices worked on as a group. Historically, and based on my past experience and the concept of comity, that is how redistricting was considered in the past. The legislature is fully capable of comprehending the need to address any issues related to pending litigation. It is not the role of any branch of government, other than the legislature, to decide the Supreme Court districts. Furthermore, redistricting should be conducted openly, above board, and transparently, and not behind closed doors or without public input or in haste during a special session devoted to the far different question of representation in the U.S. Congress. There is absolutely no need to rush through the process of redistricting in a special legislative session with a host of brand new legislators. Justice Crichton’s seat will become vacant at the end of 2024 and an election will be held in the fall of 2024. There is plenty of time to resolve the important issue of redistricting our state’s highest court in a public, transparent, open, and measured manner during the regular session of the legislature, during which time everyone can be heard. There is no federal decree mandating the judicial reapportionment, unlike the congressional reapportionment, which is subject to a federal decree mandating expeditious resolution.

Noteworthy, is the fact that judicial districts do not require honoring the “one-man-one-vote rule” in the same manner as legislative elections. This is especially appropriate in judicial districts where judges do not represent individuals or political parties and should not engage in politics. Instead, judges represent principles such as equality, impartiality, integrity, fairness, justice, and the rule of law. State senators and representatives and those who serve in the U.S. House of Representatives are required to represent the same number of people. For all its flaws, the proposed judicial redistricting plan recognizes the “one-man-one-vote” concept does not apply to judges—the districts proposed do not represent the same number of citizens. Wide disparities in population, as exist now, primarily between the Orleans and Capital districts of the Supreme Court, should not exist and change is definitely needed. However, while equal population in each district is not required, it is apparently being utilized to achieve partisanship and racial disparity in the current proposal.

I agree that it is past time to redistrict the Supreme Court. I fully favor the historic effort to have the judiciary reflect the rich diversity of our state on the Supreme Court and have publicly advocated for that change since I began my tenure as Chief Justice. I vigorously supported a proposal to make that change last year in the legislature and met with representatives of minority groups to champion and help facilitate that change. For people to have faith in our system of justice, those serving on the bench should reflect the makeup of society. I also believe no one should be handed a position or have a position drawn specifically for them, but that districts should be drawn so that each has a fair chance to be elected. While the districts as drawn in the proposed plan provides for the potential of two black justices, it does so by making the other districts potentially not responsive to minority constituencies. Judges need to be elected from districts that reflect the rich diversity of our great state. Districts drawn for political, partisan, or self-serving reasons should be rejected in favor of districts that are apolitical, nonpartisan, and designed to best serve the public, as opposed to

politicians. **Above all, the judiciary must be independent for our society and our system of democracy to flourish.** For the benefit of Louisiana and our people, I believe that can be accomplished with robust public input and debate and transparency at the regular session of the legislature, rather than with closed-door agreements that shut out the public and those not currently in power. Any reference to “the sensitivities to time” (whatever is meant by that) and the effort to push this matter through “now” means that the public is left out of the discussion. Asking that “the proposed plan be adopted without change” means citizens’ input is not welcome and those making that request have determined what is best for everyone else without the citizens’ input. “Reaching a supportive majority of the court has been difficult” because none of the advocates of the proposed redistricting plan even asked for input until it was too late to analyze the proposal (drafted in early December). Approval signatures were demanded immediately before the proposal was mailed, with less than a day allowed for review what was created almost a month before and is expected to be in place for decades. That is simply not how to build public confidence in an independent judiciary.

If those in receipt of this letter wish to achieve an important and significant benefit for the public and the judiciary, I suggest that each impress upon the district and appellate court judges and justices how essential it is to participate in the time study prepared by the National Center for State Courts, an internationally recognized expert in determining the workloads and needs of judges. Approximately \$150,000.00 of taxpayer funds was invested in this study before some judges on the courts of appeal and district courts reversed themselves and refused to participate. Having the right number of judges in the right place is essential to our system of justice. A systemic and complete analysis is necessary because of falling filings over the last 20 years and substantial shifts in population (according to census data). See Legislative Auditor’s Report on Judicial Compensation and PAR Louisiana, Commentary: Judicial Study Stonewalled (4/10/2023).

In sum, I am already on record for years now, openly and vigorously supporting providing an opportunity for additional minority representation on our state’s highest court. The proposed redistricting plan creates polarization, rather than balance, which serves no one. We can and should do better. With four of the justices unable to seek reelection because of the age limitation, an opportunity exists to put aside politics and partisanship, which have no place in our system of justice, and do what is right for all the right reasons for our state: maintain a truly independent judiciary.

I am available at any time to discuss this and any other matter related to the judiciary.

God bless the state of Louisiana and its wonderful people.

Respectfully,



John L. Weimer
Chief Justice

