

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

DYAMONE WHITE; DERRICK
SIMMONS; TY PINKINS;
CONSTANCEOLIVIA SLAUGHTER
HARVEY-BURWELL,

Plaintiffs,

vs.

STATE BOARD OF ELECTION
COMMISSIONERS STATE REEVES
in his official capacity as Governor of
Mississippi; LYNN FITCH in her
official capacity as Attorney General of
Mississippi; MICHAEL WATSON in
his official capacity as Secretary of
State of Mississippi

Defendants.

4:22cv62-MPM-JMV

COMPLAINT FOR
DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF

INTRODUCTION

1. Plaintiffs bring this action because the district boundaries used in
0 L V V L V State Supreme Court elections dilute the voting strength of Black

Constitution. Those districts must be redrawn so that Black voters in Mississippi have a full and fair opportunity to elect candidates of their choice

2. Mississippi's population is almost 40 percent Black, a greater proportion than any other state in the nation. Yet in the 100 years that Mississippi has elected its Supreme Court by popular vote, there have been a total of only four Black justices ever to sit on that body. There has never been more than one Black justice

4. Under the current district boundaries, Black voters² despite comprising a majority of the population in certain regions of the State, such as the Mississippi Delta region and the City of Jackson, do not constitute a majority in any one Supreme Court district. V

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Court District 1 that currently lie within the Northern District, and in portions of the Mississippi Delta region that also lie in the Northern District that would be part of Supreme Court District 1, if Q q 0.00000912 0 612 792 re W* n BT /F2 14.04 Tf 1

scheme, candidates of choice for Black voters will typically be outvoted by the white majority in the district. 7 K H F K D O O H Q J H G V F K H P H G L O X W H power and denies her an equal opportunity to elect a candidate of her choice to the Mississippi Supreme Court.

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power and denies him an equal opportunity to elect a candidate of his choice to the Mississippi Supreme Court.

17. Plaintiff TY PINKINS is a citizen of the United States and the State of Mississippi. He currently lives in and is registered to vote in Vicksburg, in Warren County, Mississippi, which is in Supreme Court District 1. He grew up in and during his years of military service voted by absentee ballot in Sharkey County, which is also in Supreme Court District 1. He votes regularly. Mr. Pinkins served in the U.S. Army for over 20 years, including three tours in Iraq and a stint in the White House, before obtaining a law degree. Mr. Pinkins is Black.

18. Mr. Pinkins lives in a region where Black Mississippians form a cohesive political community that is sufficiently large and geographically compact to constitute a majority of eligible voters in a district in which Black voters would have the opportunity to elect candidates of their choice for the Mississippi Supreme Court. However, under the challenged Supreme Court districting scheme, candidates of choice for Black voters will typically be outvoted by the white

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and denies him an equal opportunity to elect a candidate of his choice to the Mississippi Supreme Court.

19. Plaintiff CONSTANCE OLIVIA SLAUGHTER HARVEY-

BURWELL is a citizen of the United States and the State of Mississippi. Ms. Burwell is originally from Forest, Mississippi, which is in Supreme Court District 1, and currently resides in and is registered to vote in Jackson, which is also in District 1. She votes regularly. Ms. Harvey-Burwell is a mother, educator, and civic leader. Ms. Harvey-Burwell is Black.

20. Ms. Harvey-Burwell lives in a region where Black Mississippians form a cohesive political community that is sufficiently large and geographically compact to constitute a majority of eligible voters in a district in which Black voters would have the opportunity to elect candidates of their choice for the Mississippi Supreme Court. However, under the challenged Supreme Court districting scheme, candidates of choice for Black voters will typically be outvoted by the white majority in the district. The challenged scheme dilutes Ms. Harvey-Burwell's choice to the Mississippi Supreme Court.

21. Defendant THE STATE BOARD OF ELECTION

COMMISSIONERS is the state body responsible for overseeing the conduct of its elections and implementing election laws and regulations, including Supreme

Court districts at issue in this litigation See Thomas v. Bryant, 366 F. Supp. 3d 786, 801 (S.D. Miss. 2019)

22. Defendant TATE REEVES is the Governor of the State of Mississippi, and is a member of the State Board of Election Commissioners pursuant to Miss. Code Ann. § 23-15-211 (Rev. 2018). He is sued in his official capacity.

23. Defendant LYNN FITCH is the Attorney General of the State of Mississippi and is a member of the State Board of Election Commissioners pursuant to Miss. Code Ann. § 23-15-211 (Rev. 2018). She is sued in her official capacity.

24. Defendant MICHAEL WATSON is the Secretary of State of the State of Mississippi and is a member of the State Board of Election Commissioners pursuant to Miss. Code Ann. § 23-15-211 (Rev. 2018). He is sued in his official capacity.

LEGAL BACKGROUND

25. The Voting Rights Act of 1965 (the "VRA") is a significant piece of legislation that arose out of the Civil Rights Movement, a hard-won national reform that sought to replace the disenfranchisement and racial discrimination of the Jim Crow era with a true municipal democracy.

Democratic and Republican members of Congress and presidents have repeatedly reauthorized and expanded the VRA, including in 2006, when the statute was reauthorized by a massive bipartisan majority in the U.S. House of

Representatives, a unanimous U.S. Senate (including Senators Lott and Cochran of

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or abridgement of the right of any citizen of the United States to vote on account of race or color . . . 8 6 & † D 6 H F W L R Q R I W K H 9 5

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opportunity than other members of the electorate to participate in the political

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27. The Supreme Court has expressly held that, where a State chooses to

elect judges, the VRA applies to judicial districting schemes. See e.g., *Chisom v.*

Roemer, 501 U.S. 380, 401 (1991).

28. As Congress made clear when it reauthorized and amended the VRA in the 1980s, a Section 2 claim may be established purely based on discriminatory

effects and does not require discerning or ferreting out any particular intent on the

part of state lawmakers. See, e.g., *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986). A

court considering a potential Section 2 violation in the districting context thus

needs only determine whether the result of the enacted plan is the dilution of minority voting strength, regardless of any intent.

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§ 10303. Because of this, Mississippi was required to submit any changes to its

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been enforced. In all, there were at least 169 challenges to Mississippi voting

changes under Section 5 by the DOJ during this period, with nearly two-thirds of

those objections raised after the reauthorization of Section 5 in 1982 f 1 0 0 1 478.42 5

of the three districts³. In 1952, the Constitution was further amended to add one additional seat per district, bringing the Court to its current composition of nine justices. Currently, three justices are elected from each of the three Districts. The

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(e.g. 3 ' L V W U L F W 3 O D F H ' E X W - l a r g e b a s i s , c o n t a i n i n g L R Q V
W K D W Y R W H U V L Q D S D U W L F X O D U ' L V W U L F W F D V W
District.

37. The district lines have been redrawn only a handful of times in the last century: In 1917, 1930, 1942 re W* 0 612 792 re W* n Q , 1933 12 0 612 792 ror

38. While their shapes have shifted somewhat over time, the three districts have generally been oriented in an ~~east~~ west direction, with a northern district (District 3), a central district (District 1), and a southern district (District 2) each stretching across the state.

But Black lawmakers opposed the new Supreme Court boundaries, decrying the dilutive effect that the proposed plan would have on Black voters, arguing that the State

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told the Clarion-Ledger ³, F D Q ¶ W U X Q D F D P S D L J Q D J D L Q V W

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among other things that the recent elections of Anderson and Banks with some white supporters showed 2396054 335697 was gnd-3e04ss46gs3(a)10(5)2ki4(n)4(s)-3(t) candidates were not outvoted by white bloc voting. The decision was later affirmed on appeal.

49. Today, in contrast, District 1 can readily be redrawn as major Black consistent with traditional districting principles and without changes to the overall three-district framework for Mississippi Supreme Court elections. Moreover, as explained further below, the history of elections in District 1 in the decades since the Magnolia Bar Association decision demonstrates a clear pattern of white bloc voting against Black candidates.

50.

this day. Justice King has been elected without opposition twice since his initial appointment.

52. Thus, until 1985, there were no Black Justices at all on the Supreme Court, and since then there has been just one Black Justice at a time, always in the District 1, Place 2 seat and always first appointed by the Governor.

53. Black candidates have run for additional seats on the Supreme Court, EXW GHVSLWH 0LVVLVVLSSLV V XE VWDQWLDO %OD receiving strong support from Black voters, they have been unsuccessful.

54. For example, and most recently, in 2020, despite strong support from Black voters, a sitting Court of Appeals judge, Latrice Westbrook, lost a race for the open seat in District 1, Seat 1 by about 12,000 votes. Judge Westbrook lost with 48.5% of the vote. The Black voting age percentage of the population in District 1 was around 49%.

55. A Black candidate, Earle Banks, also sought election to the District 1, Seat 1 seat in 2012, and he was also defeated despite strong support by Black voters. Banks lost with 44.5% of the vote. The Black voting age percentage of the population in District 1 at the time was approximately 48%.

56. Additionally, in 2016, a Black candidate, Michae

percent of the vote, a number similar to the Black voting age percentage of the population at the time.

MISSISSIPPI'S SUPREME COURT DISTRICTS DILUTE BLACK VOTING STRENGTH

57. Plaintiffs satisfy the three prerequisites for proving a vote dilution claim under Section 2 of the Voting Rights Act.

58. With respect to the first prerequisite, the evidence shows that the Black voting age population in the first district is 30.1 percent, which is significantly higher than the Black voting age population in the other districts.

Commission. Unlike positions on the Supreme Court, those offices are elected on a partisan basis. In the most

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readily imagined and unsurprising when demonstrated under circumstances that

include the three essential angles I D F W R U V ' in the fact D G G L W

satisfying the three angles

Mississippians, and indeed went so far to attempt to repeal the 15th Amendment to the U.S. Constitution, which prohibits discrimination in voting on the basis of race. More broadly, in the period following the end of Reconstruction, Mississippi created poll taxes, literacy tests, and ~~none~~ other mechanisms to thwart Black Mississippians from voting or gaining any political power. In addition to formal supremacist organization founded in Mississippi in 1875, ~~acted~~ terror and violence on Black Mississippians to prevent them from voting or participating in politics.

66. Since the ratification of the Mississippi Constitution of 1890, Mississippi has passed countless laws that deny or diminish Black democratic participation, including grandfather clauses, poll taxes, and educational, property, ³ ~~qualifications~~ ~~As a result of those laws and other barriers, in 1964 less than 7% of eligible Black Mississippians were registered to vote despite numerous voter registration drives and the submission of thousands of voter registration applications, and Black Mississippians who attempted to register or vote, and those who assisted them, continued to face the threat of lethal violence.~~

67. Even after the passage of ~~VRA~~ in 1965, the State continued to deploy discriminatory

discriminatory purpose and that it continued to undermine the voting strength of Black Mississippians. In 1995, the State once again enacted a bi-racial registration system. Under these new provisions, voters registering under the registration

objection from the DOJ. Ultimately, the State was ordered to draw a Black majority congressional district by a federal court.

71. *7 KURXJKRXW WKH V WKH '2- DOVR REMHI*
legislative maps under the VRA. From 2002 to 2013, a ~~judge~~ panel was
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Legislature repeatedly failed to draw a plan that did not dilute Black voting
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legislative lines violated the VRA by diluting the voting strength of Black
Mississippians in the State Senate.

72. Mississippi also repeatedly refused to submit its policies for Section 5 preclearance, as it did with the new dual registration system in the 1990s. In 1986, a federal district court enjoined the enforcement of certain statutes pertaining to state judicial elections until the statutes were submitted for Section 5 review. *Kirksey v. Allain*, 635 F. Supp. 347, 348 (S.D. Miss. 1986). The DOJ then
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elections because

polling places and poll hours, imposing needlessly strict voter identification and registration requirements, and limiting early voting.

74. The legacy of official discrimination in Mississippi lives on in other ways as well. For example, to this very day, the

77. The extent of racial polarization in Mississippi is evidenced by the fact that, while Mississippi has hundreds of Black elected officials, virtually none of them represent majority white districts.

78. Plaintiffs in VRA redistricting cases across the state have repeatedly demonstrated racially polarized voting. See e.g., *Thomas v. Bryant*, 866 F. Supp. 3d 786, 807 (S.D. Miss. 2019); *Mississippi Delta State Senate District I*, 933 F.3d 455 (5th Cir. 2019); *Fairley v. City of Hattiesburg*, 122 F. Supp. 3d 553, 580 (S.D. Miss. 2015); *Dillingham v. City of Gulfport*, 2015 WL 1151 (5th Cir. 2016); *United States v. Brown*, 194 F. Supp. 2d 440, 484 (S.D. Miss. 2007); *Noxubee County*, 663 F.3d 420 (5th Cir. 2009); *Jamison v. Tupelo, Mississippi*, 471 F. Supp. 2d 706, 713 (N.D. Miss. 2007); *Teague v. Attala County*, 92 F.3d 283 (5th Cir. 1996); *Clark v. Calhoun County*, 88 F.3d 1393 (5th Cir. 1996); *Houston v. Lafayette County*, 120 F. Supp. 2d 996 (N.D. Miss. 1995); *Wing v. Monroe County*, 740 F. Supp. 417 (N.D. Miss. 1990); *Gunn v. Chickasaw County*, 705 F. Supp. 315 (N.D. Miss. 1989); *Jordan v. City of Greenwo*

Senate Factor 3: Use of At-large Elections, Majority Vote Requirements, and Other Discrimination-Enhancing Mechanisms

80. 0 L V V L V V L S S L ¶ V H O H F and has historically had P D L Q W voting procedures and practices such as at-large elections and unusually large electoral districts that exacerbate the dilution of political power for Black citizens. See, e.g., Martin v. Allain, 658 F. Supp. 1183, 1192 (S.D. Miss. 1987)

W D N L Q J M X G L F L D O Q R W L F H R I W K H V W D W H ¶ V 3 O R C touching on the right of black citizens to vote and participate in the democratic S U R F H V V ´ L Q F O X G L Q J nicipal Elections of Large Elections L Q P X and majority white election districts which had the effect of precluding black F L W L J H Q V I U R P H O H F W L R Q W R S X E O L F R I I L F H ´

majority Black office-seekers sued Mississippi to enjoin enforcement of that requirement, which posed an all but insurmountable hurdle for Black candidates to overcome given the composition (majority-white) as well as persistent racial polarization in voting.

83. The presence of these and other electoral mechanisms that burden the exercise of political power by Black voters supports the conclusion that Black voters have less opportunity than white Mississippians to participate in the political process and elect representatives of their choice.

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84. In addition to voting discrimination, Black Mississippians and other minority voters in the state face disparities across a wide range of other policy areas, including health, housing, education, employment, and treatment in the criminal justice system. These burdens are the legacy of intentional policy choices made by the State whose effects continue to operate into the present day.

85. All of these socioeconomic disparities are correlated with increased burdens on effective political participation. Thus, the effect of the additional opportunities to elect candidates of their choice.

86. With respect to income, Black Mississippians on average earn significantly less than white Mississippians and experience poverty at nearly three times the rate of white Mississippians. Black Mississippians are also more likely to be unemployed or underemployed, and to suffer from employment discrimination. Income and economic security are correlated with political participation.

87. With respect to housing, the legacy of decades of redlining policies and continued discrimination in lending continues to disproportionately lock Black

voluntary agreements with federal courts, state or agencies for failure to adequately desegregate. In one recent case, the City of Cleveland merged its two high schools to integrate Black and white students in 2016, after 50 years of failing to do so.

89. Public schools in majority Black areas are more regularly under resourced a disparity exacerbated by the disproportionate effect of housing

91. With respect to criminal justice, Black Mississippians are disproportionately incarcerated and disenfranchised. As of April 2021, Black
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F R P S U L V L Q J R Q O \ Reputation of Black Mississippians as
make up 71.5% of those serving life sentences without parole.

92. Mississippi employs stringent felony disenfranchisement laws, having
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Constitution² provisions that were, when enacted, specifically intended to
disenfranchise Black voters. See *Ratliff v. Beale*, 20 So. 865, 868 (Miss. 1896)

³: L W K L Q W K H I L H O G R I S H I I n P a r t i c u l a r s i m p o s e d b y t h e f e d e r a l
constitution, the [1890] convention swept the circle of expedience to obstruct the
franchise by the negro race. . . . Restrained by the federal constitution from
discriminating against the negro race, the convention discriminated against its
characteristics and the offenses to which W V Z H D N H U P H P E H U V Z H U H

93. A person convicted of a disenfranchising crime can attempt to restore
their right to vote by applying for a pardon from the Governor, applying for an
Executive Order Restoring Civil Rights from the Governor, or seeking to the
Mississippi State Legislature pass a Bill of Suffrage on their behalf with a two

thirds majority. In practice, vanishingly few people successfully restore their voting rights through these processes.

94. The Voting Rights Act of 1965 and its disenfranchisement laws for qualifying criminal offenses means that over 15% Black voting age Mississippians in the state cannot vote due to a felony conviction.

95. All of these race based disparities burden the ability of Black voters to

98. As noted already, in the 1991 election against Justice Banks, his white opponent Chet Dillard produced advertisements showing both his and Justice Banks' faces. The ads included the following text: "DILLARD IS THE ONLY WHITE SUPREME COURT JUSTICE WHO HAS EVER BEEN ELECTED BY THE PEOPLE OF MISSISSIPPI." The ads also included a photo of his opponent, a sitting Supreme Court Justice, with the caption "CHET DILLARD".

99. In the 2004 general election race for the seat then occupied by incumbent Justice Graves, Justice Dillard's opponent, Justice Dillard, placed ads in the newspaper noting that "Justice Dillard is a white supremacist who has been elected by the Republic of New Africa a reference to 1971 police raid on the

judge in Hinds County, Mississippi (which is) predominantly Black² it is going to be a Black judge² they're going to tell us where the state of education money goes.

102. As another example, during the 2018 Senate campaign between the white Republican candidate Cindy Hyde-Smith and Black Democratic candidate Mike Espy, Hyde-Smith emphasized his race. Some of the mailers also wrongly insinuated that Espy was convicted of crimes of which he had been acquitted. During the campaign, Hyde-Smith herself wearing a cap with a confederate flag at the home of confederate leader Jefferson Davis.

103. These examples of racial appeals are in keeping with other racist comments made by sitting elected officials. For example, in 2014, Mississippi Justice Court judge, Bill Weisenberger, was sanctioned and later convicted of assault after slapping a young Black man and shouting racial slurs. In 2015, In 2017, state representative Karl Oliver called in a Facebook post for Louisiana

officials who were removing statues of confederate leaders from the City of New Orleans. In 2019, a Mississippi Election Commissioner, Gail Welch, expressed concern in a social media post that he told white employees to ignore the resumes of Black candidates and to remove magazines featuring Black women from the lobby of the town hall.

104. The extensive and ongoing use of racial appeals in politics, including with respect to elected judicial offices, supports the conclusion that Black voters have less opportunity than white Mississippians to participate in the political process and elect representatives of their choice.

Senate Factor 7: Lack of Success of Black Candidates for Office

105. Under the districting scheme at issue here, there have only been four Black State Supreme Court Justices in the history of the State of Mississippi, and never more than one at a time. From 1985 until today, the Supreme Court has been 11% Black in a state where the voting age population is nearly 40% Black.

106. Each of the four Black justices in Mississippi history has served in the same District 1^{Place2} seat. Each one of the four was initially appointed and, where challenged in a general election contest, won reelection by only slim margins. Meanwhile, whenever a Black candidate has sought election to the Supreme Court without the benefit of a prior appointment (as has happened three times in the last decade, including twice in District 1), they have lost.

107. The state of affairs is similar with respect to the offices of Transportation Commission and Public Service Commission, which use the same districts as the State Supreme Court. In 2019, Willie Simmons became the first Black candidate ever elected to the Transportation Commission, representing the Central District (i.e., District 1). No Black candidate has ever been elected to the Public Service Commission.

108. Similarly, no Black candidate has ever been elected to statewide

former Director of the Mississippi Department of Finance (an appointed position), lost the election for State Treasurer to a white candidate nearly twenty years younger who had no experience in state finance.

109. The story is similar with respect to Congress. Since 1877, there have only been two Black Mississippians seated in the U.S. House of Representatives: Mike Espy, elected in 1986, and Bennie Thompson, elected to succeed him in the same district in 1992.

110. Black candidates have also obtained disproportionately less success in more local races. For example, as of 2020, only 27% of Mississippi State Senate was Black, despite Black Mississippians comprising nearly 37% of the

V W D W H ¶ V Page Population Y R W L Q J

111. The pervasive barriers to Black candidates winning election outside of Black-majority districts support the conclusion that Black voters have less opportunity than white Mississippians to participate in the political process and elect representatives of their choice.

Senate Factor 8: Significant Lack of Responsiveness

112. As described already, racial disparities in education, employment, housing, health, and criminal justice have plagued Mississippi for generations. Yet

Mississippi public officials are often directly opposed to specific policies that might ameliorate the challenges faced by Black communities.

113. For example, Mississippi state leaders have for decades refused to invest in infrastructure projects in the city of Jackson (80% Black) after white flight following public school integration, despite demands from the majority-Black local community.

114. Mississippi has also taken no significant action to reform its dual education system of high-performing, well-resourced majority-white schools and low-performing, under-resourced majority-Black schools, despite the outcry from Black communities. Black students at majority-Black schools in the state endure the consequences of chronic underfunding. The state scheme for funding public schools only perpetuates the accumulated disadvantages for Black students, and thus perpetuates disproportionate poverty rates for Black Mississippians. State officials have demonstrated no urgency to change the status quo.

115. In another demonstration of non-responsiveness, Mississippi did not adopt Medicaid expansion under the Affordable Care Act which would have expanded Medicaid coverage for low-income adults to 138% of the federal poverty level, again despite demands from low-income communities and communities of color, including Black Mississippians. Medicaid has been critical to ameliorating

some of the racial disparities in healthcare coverage and health outcomes discussed above, but Mississippi has not prioritized maximizing healthcare for the poorest residents of the state, who are disproportionately Black.

116. These few examples (among many others not detailed here) of non

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districts), districts that meet those criteria while also complying with the VRA can be drawn.

RACE WAS A MOTIVATING FACTOR IN THE MAINTENANCE OF MISSISSIPPI'S VOTE-DILUTIVE SUPREME COURT DISTRICTS

121. 'HVSLWH WKH GLOXWLYH HIIHFWV RI OLVVLV

boundaries, the State has maintained those districts without any change for decades, even as the districting scheme has foreseeably resulted in a nearly all white Supreme Court and denied Black voters an equal opportunity to elect candidates of choice. MVLVVLSL¶V PDLQWHQDQFH RIDGLV undermines Black voting strength violates the Fourteenth and Fifteenth Amendments.

122. Notably, the current districts were enacted just a year after the first Black justice, Justice Anderson, was appointed t

127. For one, the State has maintained the same district lines since 1987,

have allowed legislators to draw districts that fairly weight the voting strength of Black Mississippians, and that have drawn attention to the dilutive effects of the current districting scheme.

130. For example, in 2005, Representative Edward Blackmon, Jr., introduced proposals to increase the number of Supreme Court districts from three to nine and to create nine single-member districts, expanding opportunities for Black voters to elect Black preferred candidates. The proposals died in committee without an opportunity for debate or consideration

131. Additional proposed legislation to increase the number of Supreme

dilutive effects of the Supreme Court districts. H.B. 868 also demonstrates a continued willingness and interest among state policymakers to leverage race for

142. Accordingly, the challenged districting scheme results in the denial or

147. The Fifteenth Amendment to the U.S. Constitution similarly forbids

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primary purpose, of an official act in order for a violation of the Fourteenth and the

)LIWHHQWK \$PHQGVPHQWZw. City of Arlington, 725 F.2d 1017,

1022 (5th Cir. 1984)see also Vill. of Arlington Heights v. Metro. Hous. Dev.

Corp., 429 U.S. 252, 266 (1977).

149. The vote GLOXWLYH HIIHFWV RI 0LVVLVVLSSL ¶ V

districts are not merely accidental or incidental. Rather, those districts have been

maintained or reaffirmed by the State for the past 100 years at least in part

because of those dilutive effects, and thus for purposes of discrimination on the

basis of race in violation of the Fourteenth and Fifteenth Amendments.

150. Plaintiffs are entitled to redress from this violation of their federal rights, including pursuant to 42 U.S.C. § 1983.

151. Plaintiffs have no adequate remedy at law. Unless the conduct of
HOHFWRQV XQGHEUOCVelectoral districts is enjoined and a

to racially discriminatory election districts in violation of the Fourteenth and Fifteenth Amendments to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Declare the district boundaries and/or districting scheme used by the State of Mississippi in electing the justices of the Mississippi Supreme Court to be in violation of Section 2 of the Voting Rights Act and the United States Constitution
- B. Preliminarily and permanently enjoin the Defendants and their agents from holding elections for the Mississippi Supreme Court under the existing districts
- C. Set a reasonable deadline for State authorities to enact or adopt Mississippi Supreme Court districts that do not abridge or dilute the ability of Black voters to elect candidates of choice or otherwise violate the United States Constitution and, if State authorities fail to enact or adopt valid plans by the & R X U W ¶ V G H D G O L Q H R U a C p h a s t h a t k d n d t e r o s e W L R Q R dilute the ability of Black voters to elect candidates of choice or otherwise

E. Award Plaintiffs their costs, expenses, and disbursements, and reasonable

D W W R U Q H \ V ¶ I H Hing this Court's power to direct the Clerk
with 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988;

F. Retain jurisdiction over this matter until Defendants have complied with all
orders and mandates of this Court;

G. Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Joshua Tom

AMERICAN CIVIL LIBERTIES UNION
OF MISSISSIPPI FOUNDATION

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