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Court Redistricting Lacks Transparency

Proposed Louisiana Supreme Court map drawn behind closed doors

As a majority of the Louisiana Supreme Court justices crafted a proposed map to redesign the court's seven districts and include a second majority-minority seat, they forgot to include one highly important thing: Transparency.

Five justices devised the proposal in secret, sent it to Gov. Jeff Landry and legislative leaders and urged the separate legislative branch of government not to change a single thing. Landry then included the court's redistricting in his outline for the short special legislative session that starts Monday and must end Jan. 23.

The state Supreme Court – at least the five justices involved in the proposed district redesign – didn't hold public hearings, didn't seek public comment and didn't appear to want any actual vetting of the map. More confounding is the leader of the court, Chief Justice John Weimer, appears to have been sidelined throughout the entire process.

That shouldn't be how government works. That shouldn't be how judicial districts are drawn. That shouldn't be how voters are represented by their elected officials.

The Public Affairs Research Council of Louisiana supports redrawing the Supreme Court districts. They haven't been reworked in more than 25 years and now vary widely in how many residents each district contains.

While courts have decided that judicial branch seats aren't legally bound to the one-man, one-vote principle, the vast population disparities among current districts give voters who elect the justices varying levels of influence depending on where they live, which seems unfair. As few as 477,000 people live in the New Orleans-based Supreme Court district, and nearly 839,000 people live in the Baton Rouge-based district, according to 2020 U.S. Census date.

The Supreme Court changes proposed by five of the seven justices to create a second majority-Black district and rework the other districts could be the right approach. PAR believes lawmakers should draw maps that acknowledge Louisiana's growing diversity. But there's been no public opportunity to determine whether the redesign backed by a majority of the justices is the best and fairest way.

Instead, all that's happened publicly is traded letters and accusations.

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PAR issued several recommendations in 2022 calling for transparency in the redistricting process. We were heartened to see the Legislature followed many of our suggestions. We are concerned that may not be the case this time.

Landry and lawmakers should slow down or at least start explaining their intent. The Supreme Court districts are crammed into a special session agenda that once was supposed to be about court-mandated congressional redistricting and has become a sprawling list of 14 items that go far beyond simply drawing maps. Many are complex issues that shouldn't be rushed and could wait for a future session.

Only the congressional maps have a timeline ordered by a federal judge. The Supreme Court has no immediate directive to redraw the Supreme Court districts. They have more time.

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Louisiana citizens who are served by the court and who elect its justices deserve the right to participate, rather than being told what's best for them by judicial leaders seeking to preserve their own positions and other elected officials possibly seeking to draw districts that help allies win seats in the future.

By contrast, the congressional redistricting debate has been talked about publicly, with different map proposals, much deliberation and many open court hearings across several years.

The five Louisiana Supreme Court justices proposing the new map are Justices William Crain, James Genovese, Jay McCallum, Jefferson Hughes and Piper Griffin.

In their letter to the governor, attorney general and legislative leaders, the justices cited ongoing federal litigation challenging the current districts as discriminatory against minorities. They also noted that decades have passed since the last time lawmakers redesigned the map. They said they were hopeful reworking the layout to include another majority-minority district would resolve the lawsuit, and they asked "that the proposed plan be adopted without change."

Adopting proposals crafted behind closed doors without public input is not how representative democracy works – or at least it shouldn't be.

Weimer, the court's chief justice by virtue of being its longest-serving member, replied in his own letter that the redesigned map was drawn without his input. He said while he supports redistricting the Supreme Court, he objects to the other justices' proposed district design and the way it was confected, saying it sidelined the state's citizens.

Justice Scott Chrichton, who is in the last year of his term and unable to run again because of constitutional restrictions that prohibit judges who are 70 years old and older from seeking reelection, also sent a letter opposing the redrawn map because of the changes proposed for north Louisiana where he lives.

New high court maps would require support from two-thirds of the House and Senate to pass. The Legislature set the current Supreme Court boundary lines in 1997, based on Census data from 1990, when Louisiana had hundreds of thousands of fewer state residents. The map is well overdue for a redesign.

In its prior redistricting work in 2022, the Legislature spent extensive time educating the public about the latest Census data, changes to the state's population and principles involved in redistricting. Lawmakers gave the public ample time to review proposals online and communicate their concerns.

They should use the same approach with the state Supreme Court districts and acknowledge the public has a role to play in the process.

Transparency is key to encouraging the state's citizens to trust their own government.