EXHIBIT A

COURT OF APPEAL, FIRST CIRCUIT
STATE OF LOUISIANA
DOCKET NO. 2017-CA-1141

VOICE OF THE EX-OFFENDER, ET AL.,

Plaintiffs-Appellants,

v.

STATE OF LOUISIANA, ET AL.,

Defendants-Appellees

On Civil Appeal from the 19th Judicial District Court
Parish of East Baton Rouge, State of Louisiana
Docket No. 649587
Honorable Judge Timothy Kelley Presiding

AMICI CURIAE BRIEF BY NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC., THE SENTENCING PROJECT, & SOUTHERN POVERTY LAW CENTER IN SUPPORT OF PLAINTIFFS-APPELLANTS

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TABLE OF CONTENTS

PAGE

TABLE OF AUTHORITIES

PAGE(S)

CASES:

PAGE(S)

PAGE(S)

STATUTES & OTHER AUTHORITIES:

PAGE(S)

PAGE(S)

PAGE(S)

PAGE(S)

PAGE(S)

INTEREST OF AMICI CURIAE [1]

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2010)); Wag (Farrakhan v. Gregoire, 623 F.3d 990 (9h Ci 2010) (p
am)); Aaban (Chapman v. Goode, 974 So.2d 972 (Aa. 2007) ad Glasgow
v. Allen, No. 08-v-801 (M.D. Aa. 2008)); ad Iaw (Griffin v. Pate, 884 N.W.2d
182 (Iaw 2016)).

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SUMMARY OF ARGUMENT

[5] [6]

[8] Louisiana, [9]

all

For Louisiana

[10] H

[11] After the Civil War,

Black [12]

Louisiana [13]

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[8] Wesberry v. Sanders, 376 U.S. 1, 17 (1964).

[9] Adkins v. Huckabay, 99-3605, p. 7 (La. 2/25/00); 755 So. 2d 206, 211 (The ... Louisiana ...); see also Denham Springs Econ. Dev. Dist. v. All Taxpayers, Prop. Owners, 04-1674 p. 14 (La. 2/4/05); 894 So. 2d 325, 335 ("The ... Id. ... as Appellants ... "Louisiana ... Appellants' Reply Br. at 14.

[10] Shaw, supra n.7 at 25-62.

[11] Id.; see also Shaw v. Reno, 509 U.S. 630, 640 (1993) ... Lane v. Wilson, 307 U.S. 268 (1939) (the U.S. Court ... It ... by [Black] ... Louisiana, 225 F. Supp. at 355-56 ... [Black ...

[12] ... History of American ... Ch. 3 (Oxford U. Press 2013).

[13] ... & ... Ballot Manipulation and the "Menace of Negro Domination": P9f

ARGUMENT

I. FELONY DISENFRANCHISEMENT LAWS, INCLUDING LOUISIANA'S, ARE INCONSISTEN T WITH THE FUNDAMENTAL PRINCIPLE OF AN INCLUSIVE SOCIETY.

A. Louisiana's Felony Disenfranchisement Law Is Rooted in Racial

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[20] [21]

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[19] *Kay*, *supra* note 18 at 111-12.

[20] *Ante Op. Br.* at 5-6, n. 1; *see also Ante Reply Br.* at 15 n. 11 (quoting La. Civ. Code art. VI, § 4 (1812)).

[21] *Ante Op. Br.* at 5-6, n. 1 (quoting *id.* (quoting La. Civ. Code art. VI, § 4 (1812)).

[22] *Id.* at 6 (quoting La. Civ. Code art. VIII, § 6 (1921)).

[23] *Haley*, *supra* note 12 at 92-93.

1. Explicit Racial Discrimination Motivated the Adoption of Louisiana's and Other States' Criminal Disenfranchisement Laws.

[illegible]

The [illegible] 1901 Alabama [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [24] [illegible]

[illegible] [25] When

[illegible]

[illegible]

[illegible] [26]

[illegible]

[illegible] [27] In the

[illegible]

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[24] 1 Official Proceedings of the Constitutional Convention of the State of Alabama, May 21st, 1901 to September 3rd, 1901 at 8-9 (1940), as cited in Hunter v. Underwood, 471 U.S. 222, 229 (1985) & Underwood v. Hunter, 730 F.2d 614, 619 (11th Cir. 1984).

[25] Hunter, 471 U.S. at 226.

[26] Id. at 230.

[27] Andrew L. Shapiro, Note, Challenging Criminal Disenfranchisement Under the Voting Rights Act: A New Strategy, 103 Yale L.J. 537, 538 (1993).

held by a pa Th is sig In 1888[,] ov 127,923 [Bla ac and 126,884 ov ov ne gro in Lo an; he fo at ex ab of pe [Bla].” [28] Th 1896 he

> as he ig no at le ly to he fe [Bla] to a by ge he pe [Bla] fa as sh Mr J. Fe an a ap fo in pa ov he [B la] gr [29] ov

Pr of Ge Fe ve , de pa Lo al a ha ov [30] Ju Th J. Se on Ch fo Ju Cl Co an fe Ar Ba Ar in, de fo Co “W (pe to ha ha Do ty fo St at” [31] Th Co of 1898 fo en fo to be fo as an [Bla] pe as fo su be” [32] At he 1898 Co Co en, pe de ar at Bla to

[28] Louisiana, 225 F. Sp at 367-70.
[29] Id. at 369.
[30] Id. at 371.
[31] Id.
[32] Id.

[33] After the Civil War, Congress and the States enacted

> The white supremacy [illegible] is now crystallized into the Constitution [illegible] [34]

To [illegible] Alabama, Mississippi [illegible] 1921 New York [illegible] Black Americans to [illegible] "[illegible] [illegible] Black [illegible]

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[33] Louisiana, 225 F. Supp. at 373.

[34] Id. at 374 (quoting La. Sess. L. J. 1898, 33-35) (emphasis added). As a result of this 1898 Constitution, "[illegible] Citizens [illegible] 1921 because [illegible] Citizens [illegible] [illegible]." Louisiana, 225 F. Supp. 353 at 375-76. Now [illegible] Louisiana [illegible] Id. at 376.

the Civil War until 1920.[43]

2. The Fear of Purported Criminality of Black People Has Also Led to the Adoption in Louisiana and Elsewhere of Felony Disenfranchisement Statutes.

incarcerated at a rate nearly one-half ... than ... regardless of ... one-half ... than the ... [65] In 2008, ... national average ... per 100 ... of Louisiana ... per 55 adults ... [66] In addition, ... incarceration rate, Louisiana's rate of ... (probation and parole) is 11 ... than the national average. [67] Currently, a ... Louisiana have ... been ... of ... and ... many of ... [68]

Similar ... , Black Louisianans are ... than white Louisianans to ... In New Orleans, ... 2016, black ... in New Orleans ... 50% ... to be ... Black ... 55% ... to be

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[65] Carson & Anderson, *supra* note 64 at 8.

[66] *Reducing Incarceration*, *supra* note 64 at 2.

[67] *6 Million Lost Voters*, *supra* note 15 at 15.

[68] Daniel G. Pope, *Evaluation of Strategies to Reduce Louisiana's Incarceration Rate and Costs for Nonviolent Offenders*, La. Legis. Aud. 1-2 (Aug. 31, 2016), http://bit.ly/2... (stating that "Louisiana incarcerates a higher ... than ... national average" ... 58.6 percent of ... DOC ... years 2009 to 2015 [in Louisiana] ... only, ...); *see also* Kevin Kane, *Louisiana Locks Up More Nonviolent Offenders Than Neighboring States Without Achieving Lower Crime Rates*, Pew ... (Aug. 25, 2016), http://bit.ly/24GCd... ("When ... Louisiana, South Carolina, and Florida ... Louisiana ... that ... South Carolina and ... Florida.").

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[illegible] [77]

II. RESTORATION OF VOTING RIGHTS FOR PEOPLE WITH FELONY CONVICTIONS ON PROBATION AND PAROLE WOULD STRENGTHEN COMMUNITIES IN LOUISIANA AND HAS WIDE PUBLIC SUPPORT.

A. Expanding Voter Eligibility in Louisiana and Elsewhere Leads to More Inclusive Communities by Increasing Civic Engagement and Public Safety.

[illegible] [78] [illegible] [79] [illegible]

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[77] [illegible] supra note 76 at 740-41.

[78] See, e.g., Appellees' Br. at 6; Appellees' Br. at 4.

[79] Christopher Uggen, Jeff Manza, & Angela Behrens, Less than the Average Citizen: Stigma, Role Transition and the Civic Reintegration of Convicted Felons, in After Crime and Punishment: Pathways to Offender Reintegration 258, 259-60 (Shadd Maruna & Russ Immarigeon eds., Willan Pub. 2004).

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible] [89]

[illegible] [90]

B. The Nationwide Momentum Against Disenfranchisement Laws Supports Expansion of Voting Rights for Individuals with Felony Convictions in Louisiana

[illegible] [illegible]

[illegible] [illegible]

[illegible] [91] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [92] [illegible]

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[89] [illegible] Prisoner Disenfranchisement Policy: A Threat To Democracy, [illegible] [illegible] 235, 243 (2005).

[90] Id. ([illegible] Outsiders: Studies in the sociology of deviance (1963)).

[91] Felony Disenfranchisement: A Primer, [illegible] at 5.

[92]

The Court should affirm the judgment below.

[103]

CONCLUSION

For the foregoing reasons, the judgment below should be affirmed.

Dated: March 6, 2017

Respectfully submitted,

s/ Leah C. Aden

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[103] See Expanding the Vote, supra note 93, at 3; see also Brian Preston, Barred from the Vote: Public Attitudes Towards the Disfranchisement of Felons, 30 Fordham Urb. L. J. 1519, 1540 (2003) (finding 81.7 percent of surveyed Californians support voting rights for probationers); James Manza, Clem Brooks, and Christopher Uggen, Public Attitudes Toward Felon Disenfranchisement in the United States, 68 Pub. Opinion Q. 275, 281 (2004) (finding 80 percent support).

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