

**In the  
Supreme Court of Louisiana**

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GARY CROCKETT,

*Respondent / Plaintiff*

v.

STATE OF LOUISIANA ET AL.,

*Applicants / Defendants*

c/w

CHELSEY RICHARD NAPOLEON, IN HER OFFICIAL CAPACITY  
AS CLERK OF COURT FOR THE PARISH OF ORLEANS,

*Plaintiff*

v.

CITY OF NEW ORLEANS, ET AL.,

*Defendants*

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On Supervisory Plenary Jurisdiction from  
the Nineteenth Judicial District Court,  
No. 777840, Judge Louise Hines, presiding,  
and No. 778244, Judge Tarvald A. Smith, presiding.

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**BRIEF OF PROPOSED AMICI CURIAE NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC., NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE LOUISIANA STATE CONFERENCE,  
LOUISIANA JUSTICE INSTITUTE, LOUISIANA URBAN LEAGUE, LOWER 9TH  
WARD VOTER'S COALITION, POWER COALITION FOR EQUITY AND JUSTICE,  
VOICE OF THE EXPERIENCED, BLACK VOTERS MATTER CAPACITY BUILDING  
INSTITUTE, CAMPAIGN LEGAL CENTER, DELTA SIGMA THETA SORORITY  
INCORPORATED, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW,  
AND THE NATIONAL URBAN LEAGUE IN SUPPORT OF GARY CROCKETT, THE  
CITY OF NEW ORLEANS, AND THE VOTER INTERVENORS**

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## **INTEREST OF *AMICI CURIAE***

Amici Curiae, the NAACP Legal Defense & Educational Fund, Inc. (“LDF”), National Association for the Advancement of Colored People Louisiana State Conference (“Louisiana NAACP”), Louisiana Justice Institute, Louisiana Urban League, Lower 9th Ward Voter’s Coalition, Power Coalition for Equity and Justice, Voice of the Experienced, Black Voters Matter Capacity Building Institute, Campaign Legal Center, Delta Sigma Theta Sorority Incorporated, Lawyers’ Committee for Civil Rights Under Law, and the National Urban League submit this amicus brief in support of Mr. Crockett, the City of New Orleans, and the Voter Intervenors in the above-captioned case, to enjoin Louisiana’s recently adopted Act 15, which unlawfully consolidates the historically separate offices of Clerk of Criminal District Court and Clerk of Civil District Court for Orleans Parish into a single newly created office.

Amici are nonprofit, nonpartisan civil rights and racial justice organizations dedicated to ensuring that Black Louisianans and all Louisianans enjoy their full and equal rights. Those rights include equal representation and the right to cast equal and effective votes for their preferred candidates for elected offices. Amici have long worked to achieve full and unfettered access to the right to an effective vote, to protect voters’ ability to elect candidates of choice in Louisiana, and to guard against schemes that are unfair, deny these rights, or otherwise constitute racial discrimination in the democratic process.

Several Amici submitted oral and written testimony during the 2026 regular legislative session<sup>1</sup> and spoke out in other public fora in opposition to Act 15 because, among other harms, it abolishes the office of Clerk of Court to the Criminal District Court for the Parish of Orleans after

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<sup>1</sup> See, e.g., Ltr. from LDF to La. House Comm. on Judiciary (Apr. 16, 2026), available at <https://www.naacpldf.org/wp-content/uploads/2117c25e0436e6404c83fc740f713ef225e745d90655ce0eef2b02d6c70a.pdf>.

Black and other Orleans Parish voters elected Calvin Duncan in 2025; nullifies their votes in violation of state and federal laws; and denies those same voters their right to choose who fills the newly-created position of the consolidated Clerk of Court by arbitrarily installing the former Civil District Court Clerk, Chelsey Richard Napoleon, whom no Orleans Parish voter has ever chosen for this role.

Amici have significant interest in voters' access to the processes that determine who serves them in clerk of court positions, including the traditional, separate role of the Criminal Clerk's "office that must process critically important documents impacting both civil and criminal issues and perform a host of other tasks such as conducting ... election[s]." *Crockett v. State of La.*, No. 2026-CD-00594, 2026 WL 1335605, at \*2 (La. 2026., May 14, 2026) (Weimer, C.J. concurring). Amici also oppose state officials' invocation of state "usurpation" laws, which have deeply racist origins, to threaten and intimidate Black officeholders who are exercising their authority under state law to address some of Act 15's infirmities and the harms it has inflicted on voters. Amici submit this brief to illuminate for this Court the serious violations of the fundamental right to vote and historical context arising from Act 15 and other recent actions.

## **INTRODUCTION AND SUMMARY OF ARGUMENT**

This case concerns whether the Louisiana Legislature can cancel the votes of 56,748 Orleans Parish residents, a significant number of whom are Black voters, including nearly 40,000 ballots for Mr. Duncan; install an unelected official in place of their chosen candidate; and then threaten to prosecute virtually the entire elected leadership of a majority-Black city under a statute designed to preserve white supremacy and racial segregation and subsequently deployed to protect perpetrators of racial violence.

Act 15 accomplishes much of these harmful results. It nullifies a completed election, bypasses the special election that state law requires, and rests on justifications that are inconsistent, unsupported, and pretextual. When New Orleans officials responded by lawfully appointing an interim clerk—as is their prerogative under the Louisiana Constitution—the Attorney General threatened prosecution under a statute the Louisiana Legislature enacted in 1960 specifically to block school desegregation. The statute codifies a practice that traces its roots even further back, to the violent suppression of Black political power during the era of Reconstruction that followed a Civil War over whether to preserve the chattel enslavement of Black people.

The voters of Orleans Parish—disproportionately Black people—have had their will overridden at every turn. As set forth below, Act 15’s effective nullification of the November 2025 election violates the fundamental right to vote; the State’s justifications for the elimination and consolidation of the two Orleans clerk of court offices are pretextual; state law requires a special election that the Legislature has refused to hold; and the threatened application of the Usurper Statute against mostly Black officeholders amounts to a discriminatory attempt to suppress Black political participation and to override the expression of Black electoral power, which has deep historical resonances. Amici urge this Court to reject the State’s attempt to disregard the will of Orleans voters, attempting to accomplish through appointment and intimidation what it cannot accomplish through the democratic process.

## **ARGUMENT**

### **I. Act 15’s Nullification of the November 2025 Election for the Criminal Clerk of Court Position Violates the Right to Vote and Principles of Fundamental Fairness.**

Act 15 eliminates the Orleans Parish Criminal Clerk of Court and Civil Clerk of Court offices and consolidates their responsibilities and obligations in a new Clerk of Court Office. It then, by fiat, appoints the former Civil Clerk of Court to the newly created position (on at least a

temporary basis)—with no election and despite the fact that the incumbent Civil Clerk of Court has not stood for election since 2018. It is a direct attack on the voters of Orleans Parish—a racially diverse electorate with a significant Black population—because it nullifies the votes of Louisianians who duly elected Calvin Duncan as Criminal Clerk of Court by majority vote.<sup>2</sup> “The right of qualified citizens of Louisiana to vote and to have their votes counted, inherent in our republican form of government and the democratic process, is a fundamental and constitutionally protected right.” *Adkins v. Huckabay*, 755 So. 2d 206, 211 (La. 2000). Louisianians have the “right to be free from the purposeful decision of state officials to deny the citizens of a state the right to vote in an election mandated by law,” which “jeopardize[s] the integrity of the electoral process.” *Duncan v. Poythress*, 657 F.2d 691, 705, 702 (5th Cir. 1981); *see also Roe v. State of Ala. ex rel. Evans*, 43 F.3d 574, 580 (11th Cir. 1995). For the 56,748 voters who cast ballots in November 2025, nearly 40,000 for Mr. Duncan, it is “hard to envision a more ‘severe restriction’ than retroactive invalidation of one’s vote.” *Griffin v. N.C. State Bd. of Elections*, 781 F. Supp. 3d 411, 449 (E.D.N.C. 2025) (quoting *Norman v. Reed*, 502 U.S. 279, 289 (1992)).

The due process and fundamental fairness implications of Act 15 were thoroughly addressed in *Duncan v. Landry*. No. 26-460-JWD-SDJ (M.D. La., May 3, 2026), ECF No. 13 (Ruling and Order on TRO). In that case, the court found that plaintiffs had shown a likelihood of success on their claim that Louisiana violated voters’ due process rights when it nullified the November 2025 vote and consolidated the clerks’ offices without a new election. *Id.* at 33-34, 44-45. Applying the U.S. Supreme Court’s *Anderson-Burdick* constitutional framework, the court found that denying “68% of Orleans Parish voters the opportunity to vote to fill that newly created

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<sup>2</sup> La. Sec’y of State, Orleans Par., Official Results, Nov. 15, 2025, available at <https://voterportal.sos.la.gov/graphical>.

office with the candidate of their choice” imposed a “severe and discriminatory burden.” *Id.* at 34-35. Citing *Poythress*, the court held it “fundamentally unfair and constitutionally impermissible for public officials to disenfranchise voters in violation of state law so that they may fill the seats of government through the power of appointment.” *Id.* at 38 (citing *Poythress*, 657 F.2d at 704). The court further credited the plaintiff’s argument that the Legislature cannot “retroactively invalidate a completed election[.]” *id.* at 40, and noted that the State failed to consider alternatives, such as holding a special election, rather than canceling voters’ choices outright. *Id.* at 42. Instead, the State passed Act 15, nullified thousands of votes, and installed an unelected official.

The preliminary injunction issued in this case reinforces this conclusion. Order Granting Prelim. Inj., *Crockett v. State of La.*, No:C-777840, 34 (19th J.D.C., E.B.R., May 8, 2026). As Mr. Crockett stated in his Petition, the State’s action “effectively nullifies the will of the electorate and removes a constitutionally protected office without following required constitutional procedures.” .Pet. for Declaratory and Injunctive Relief at 3, *Crockett*, No:C-777840, 34 (19th J.D.C., E.B.R., May 1, 2026). By cancelling the votes of thousands of Louisianans—disproportionately Black voters—the State sends them the message that their votes do not matter. *See Huckabay*, 755 So. 2d at 211. These attacks on Black political participation are precisely what gave rise to landmark civil rights legislation like the Voting Rights Act. *See Shelby Cnty., Ala. v. Holder*, 570 U.S. 529, 590-94 (2013) (Ginsburg, J., dissenting); *see also Allen v. Milligan*, 599 U.S. 1, 10 (2023). Yet the State has chosen to turn back the clock to a shameful era when the votes of Black people—even when cast without physical impediment—still would not count. The right to have one’s vote counted and an election’s results honored is essential to political participation. Without it, “the right of suffrage [is] denied by a debasement . . . of the weight of a citizen’s vote

just as effectively as by wholly prohibiting the free exercise of the franchise.” *Reynolds v. Sims*, 377 U.S. 533, 555 (1964).

Because Act 15’s nullification of the November 2025 election violated Louisianians’ fundamental right to vote, this Court should uphold the *Crockett* injunction.

## **II. The State’s Justifications for the Elimination and Consolidation Are Pretextual.**

The purported justifications for eliminating and then consolidating the Criminal and Civil Clerk of Court positions are inconsistent, uncorroborated, and have shifted over time. After actively opposing Mr. Duncan’s candidacy during the campaign,<sup>3</sup> the Attorney General characterizes Act 15 as part of a broader “court-reform effort by the Legislature.” Emergency Mot. for Stay at 4, *Crockett v. State of La.*, No. 2026-CD-00594 (La. 2026, May 8, 2026) (“AG Mot.”). Yet she cites no legislative history supporting the claim that the streamlining of Orleans Parish’s court system was the Legislature’s motivation. On the contrary, the legislative record suggests little concern in recent years over court efficiency in Orleans Parish—until after the election of Mr. Duncan. Senator Jay Morris, who introduced SB 256 (which became Act 15) represents Monroe—hundreds of miles from New Orleans—and offered little explanation for his interest in consolidating Orleans Parish courts.<sup>4</sup> This evidence led a federal district court to conclude that Senator Morris introduced SB 256 “at the Governor’s behest.” Ruling and Order at 41, *Duncan*, No. 26-460-JWD-SDJ, ECF No. 13 (quoting Compl. at 20, *id.*, ECF No. 1).

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<sup>3</sup> See, e.g., Travers Mackel, *AG Liz Murrill Questions The Past of New Orleans Political Candidate*, WDSU NEWS, (Oct. 2, 2025, 2:21 PM), <https://www.wdsu.com/article/calvin-duncan-murrill-williams-letter/68162121>.

<sup>4</sup> La. State Sen., *State Senator John C. “Jay” Morris III*, <https://senate.la.gov/smembers?ID=35> (last visited May 17, 2026).

Other rationales offered during the legislative process were administrative efficiency and fiscal savings.<sup>5</sup> Neither is supported by the evidence, however. As noted in Amicus LDF’s April 16 Letter,<sup>6</sup> Senator Morris could not provide any data supporting claims of inefficiency, and he conducted little to no outreach to assess the practical impact of consolidation.<sup>7</sup> He did not contact the current Civil or Criminal Clerks of Court to determine whether they or their staff were underutilized or could absorb the additional administrative burden that consolidation would engender.<sup>8</sup> Chelsey Napoleon, the Civil Clerk of Court, recalled no study recommending consolidation,<sup>9</sup> and could not say whether it would improve efficiency.<sup>10</sup>

The fiscal justification fares no better. The Legislature produced no fiscal note reflecting cost savings, and the Attorney General omitted this rationale from her emergency stay motion entirely. *See generally* AG Mot. In fact, the evidence points the other way: Napoleon warned that Act 15 could delay or eliminate current programs at the Civil Court Clerk’s office due to

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<sup>5</sup> Jill Jordan Sieder, ‘Never Seen Something So Barbaric’: Louisiana Republicans Push to Eliminate An Elected Position Won By Exonerated Black Man, ATLANTA BLACK STAR (Apr. 13, 2026), <https://atlantablackstar.com/2026/04/13/louisiana-republicans-push-to-eliminate-an-elected-position-won-by-exonerated-black-man/> (reporting that SB 256’s author, Senator Morris, said the intent of the bill is to “‘provide some efficiencies’ and bring Orleans Parish in line with the rest of the state . . . .”); Jack Brook & Sara Cline, Louisiana GOP Races To Eliminate An Elected Office Won By An Exonerated Man, ASSOCIATED PRESS (Apr. 9, 2026), <https://apnews.com/article/new-orleans-criminal-clerk-calvin-duncan-exonerated-d247677aa601a85cac604645d50fc739> (reporting that Louisiana Governor “Landry told the AP that eliminating Duncan’s elected office was about improving ‘government efficiency’ and ‘cleaning up a system in Orleans Parish that has been plagued by dysfunction and corruption for years’”).

<sup>6</sup> *See* LDF Ltr., *supra* n.1.

<sup>7</sup> Hearing on S.B. 256 Before the S. Judiciary B Comm., 2026 Leg., Reg. Sess. 4:31:45–57 (La. 2026), [https://senate.la.gov/s\\_video/VideoArchivePlayer?v=senate/2026/03/0331\\_26\\_juda2](https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2026/03/0331_26_juda2) (Statement of Sen. Jay Morris, Chair, S. Judiciary C Committee).

<sup>8</sup> *Id.* at 4:34:42–47.

<sup>9</sup> *Id.* at 4:59:21–22 (Statement of Chelsey Richard Napoleon, Clerk of Civil District Court).

<sup>10</sup> *Id.* at 4:46:51–47:06.

insufficient funding.<sup>11</sup> Act 15 cuts the clerk office’s fee revenue to 40% from 50% while increasing its workload,<sup>12</sup> and provides inadequate funds for consolidated operations.<sup>13</sup> The district court in *Duncan* confirmed that Senator Morris, “admitted that [Act 15] lacked any supportive studies or data to back it, but [Morris] introduced it nonetheless.” Ruling and Order at 41, *Duncan*, No. 26-460-JWD-SDJ, ECF No. 13 (alteration in original) (citing Compl. at 15, *id.*, ECF No. 1).

The absence of evidence, internal inconsistencies, and reliance on shifting post hoc justifications cast serious doubt on the State’s claims and expose Act 15’s pretextual nature in service of its racially discriminatory and other harms. *See, e.g., Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 147 (2000) (holding that, when someone offers a demonstrably false or nonsensical purpose for an action with a discriminatory effect, the court can “reasonably infer from [such] falsity . . . that the [defendant] is dissembling to cover up a discriminatory purpose”); *cf. Dep’t of Commerce v. New York*, 588 U.S. 752, 785 (2019) (reasoning that courts “cannot ignore the disconnect between the decision made and the explanation given . . . [and] are not required to exhibit a naiveté from which ordinary citizens are free”) (internal punctuation and citations omitted); *see also Veasey v. Abbott*, 830 F.3d 216, 240-41 (5th Cir. 2016) (recognizing as “probative” of intentional discrimination “that many rationales were given for a voter identification law, which shifted as they were challenged or disproven by opponents”).

### **III. Act 15 Installs an Unelected Official in Violation of State Law Requiring a Special Election.**

Consolidating the Criminal Clerk and Civil Clerk positions in Orleans Parish requires a special election under both the Louisiana Constitution and state statute. Article 5, Section 28 of

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<sup>11</sup> *Id.* at 4:52:26–30.

<sup>12</sup> *Id.* at 4:59:40–5:00:21.

<sup>13</sup> *Id.*

the Louisiana Constitution provides that “in each parish a clerk of the district court shall be *elected* for a term of four years.” LA. CONST. art. V, § 28(A) (emphasis added). This reflects the general presumption that legislatively created offices must be “filled by an election of the voters . . . as the act specifies, and that only vacancies arising in an office already filled by election should be filled by the Governor for the remainder of the unexpired term.” *State ex rel. Sanchez v. Dixon*, 4 So. 2d 591, 597 (La. Ct. App. 1941); *see also Russell v. McKeithen*, 239 So. 2d 656, 658 (La. Ct. App.), *writ issued*, 240 So. 2d 232 (La.), *and aff’d*, 242 So. 2d 229 (La. 1970).

Louisiana statutes further provide that “[s]pecial elections to fill newly created offices or vacancies in office shall be held on dates fixed by the appropriate authority in the proclamation issued in accordance with law.” LA. STAT. ANN. § 18:402(E)(1). Notably, Act 15 itself states that “there shall be one clerk of court for the parish of Orleans, who shall be *elected* by the qualified electors of Orleans Parish.” (emphasis added).<sup>14</sup> The Constitution, the Act itself, and Louisiana statutory law all require an election for the newly created position.

Nearly 60,000 Louisiana voters showed up to vote in the election for the Criminal Clerk of Court and duly elected their candidate of choice by a large margin in November 2025. Rather than hold a special election after adopting Act 15 in April 2026, Act 15 arbitrarily appoints Chelsey Napoleon, who did not appear on the ballot for Civil Clerk of the Court in 2025 or in 2021, and thus has garnered not a single vote from an Orleans voter in more than two election cycles.<sup>15</sup> As the district court observed, the “law discriminates against an ‘identifiable political group whose

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<sup>14</sup> La. State Legis., Acts 2026, No. 15, Regular Session of Louisiana Legislature, formerly SB 256, available at <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1467979>.

<sup>15</sup> Ballotpedia, City elections in New Orleans, Louisiana (2021), [https://ballotpedia.org/City\\_elections\\_in\\_New\\_Orleans,\\_Louisiana\\_\(2021\)#Court\\_clerks](https://ballotpedia.org/City_elections_in_New_Orleans,_Louisiana_(2021)#Court_clerks); Ballotpedia, City elections in New Orleans, Louisiana (2025), [https://ballotpedia.org/City\\_elections\\_in\\_New\\_Orleans,\\_Louisiana\\_\(2025\)](https://ballotpedia.org/City_elections_in_New_Orleans,_Louisiana_(2025)).

members share a particular viewpoint,’ and therefore Defendants have ‘unfairly or unnecessarily burden[ed] the availability of [their] political opportunity[.]’ Ruling and Order at 34-35, *Duncan*, No. 26-460-JWD-SDJ (alteration in original) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 793 (1983)).

Act 15 also runs afoul of Article 5, Section 32 of the Louisiana Constitution, which states that, “the clerks of the civil and criminal district courts” in Orleans Parish “are continued, subject to change by law”. LA. CONST. art. 5, § 32. Even assuming, *arguendo*, that provision permits statutory abolition and consolidation of these two offices, the Legislature would still be required to comply with Section 28’s election mandate for any newly created replacement office. The *Crockett* court recognized as much, noting the status of consolidation remained “unclear based on pleadings and arguments of all parties.” *Crockett*, No:C-777840, 34, Preliminary Injunction Order at 3.

An injunction is necessary to prevent the Governor, the Attorney General, and the Legislature from accomplishing by appointment what they are obligated to achieve through the electoral process.

#### **IV. The Threatened Application of the Usurper Statute Against an Interim Clerk and Other Orleans Parish Officials is a Racially Discriminatory Attempt to Suppress Black Political Participation.**

On May 13, 2026, the Attorney General sent letters to New Orleans elected leaders<sup>16</sup> threatening prosecution under Louisiana’s Usurper Statute over their appointment of Judge Calvin

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<sup>16</sup> The Attorney General sent letters to Mayor Helena Moreno, District Attorney Jason Williams, Clerk-Appointee Calvin Johnson, City Council President Jean-Paul “JP” Morrell, City Council Vice President Matthew Willard, City Council Member Aimee McCarron, City Council Member Freddie King III, and City Council Member Jason Hughes.

Johnson as the interim Orleans Parish Court Clerk.<sup>17</sup> By its terms, the statute provides that “[a]ny usurper who attempts to exercise the functions of a public officer or office, and who interferes with any public officer in the discharge of his duties . . . shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.” LA. STAT. ANN. § 42:71. Any public officer who “in any manner recognizes the authority of any usurper as contemplated by R.S. 42:71, forfeits his office.” LA. STAT. ANN. § 42:72. The Attorney General threatens to prosecute Judge Johnson (whom she describes as an innocent bystander)<sup>18</sup> under Section 42:71 and the mayor, district attorney, and city council members under Section 42:72. That invocation echoes some of the most shameful periods in Louisiana history.

A. *The Language of “Usurpation” Has Deep Roots in White Supremacy and Racial Violence.*

The rhetoric of “usurpation” has long been weaponized against Black political power in Louisiana. After the 1872 gubernatorial election, state Democrats refused to recognize pro-Reconstruction Republican William Pitt Kellogg, who had received the support of Louisiana’s recently enfranchised Black citizens, as the winner.<sup>19</sup> Following a federal court order validating Kellogg’s victory, his opponent John McEnery led a paramilitary siege of New Orleans, and

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<sup>17</sup> La. Office of the Att’y Gen, *Attorney General Liz Murrill demands immediate rescission of New Orleans Clerk resolutions, or face potential forfeiture of their offices*, (May 13, 2026) <https://www.ag.state.la.us/Article/517> (collecting letters to those noted in *supra* n.16).

<sup>18</sup> Liz Murrill, Att’y Gen. of La., Letter to Judge Calvin Johnson regarding New Orleans City Council’s May 11 Resolutions for Interim Clerk of Court (May 13, 2026), <https://www.ag.state.la.us/Files/Article/517/Documents/2026.05.13-AGLettertoJudgeJohnson.pdf>.

<sup>19</sup> U.S. Senate, Senate Historical Office, *Senate Stories | Reconstruction Louisiana and the Case of PBS Pinchback* (Feb. 26, 2025), <https://www.senate.gov/artandhistory/senate-stories/reconstruction-louisiana-and-the-case-of-pbs-pinchback.htm>; see also EJI, *A History of Racial Injustice*, Sep 14, 1874: White Militia Wages Coup Against Integrated Louisiana Government, <https://calendar.eji.org/racial-injustice/sep/14> (last visited May 20, 2026).

Democrats seized control of state government.<sup>20</sup> The defiant Democratic party proclaimed in its party platform that “W.P. Kellogg is a mere usurper, and we denounce him as such” and called on white citizens to “*unite and act together in self-defense, and for the preservation of white civilization.*”<sup>21</sup>

This language had deadly consequences. On Easter Sunday 1873, white paramilitary groups murdered hundreds<sup>22</sup> of Black people who were defending their pro-Reconstruction government in what became known as the Colfax Massacre, which historian Eric Foner calls “[t]he bloodiest single instance of racial carnage in the Reconstruction era.”<sup>23</sup> The incitement of violence and terror against Black people was not merely an incidental consequence of the “usurpation” rhetoric. It was the goal.

*B. The Modern Usurper Statute Was Enacted to Preserve Segregation.*

That same rhetoric resurfaced during New Orleans school desegregation efforts, and it was in that context that the modern Usurper Statute was born. In 1956, a federal district court ordered the Orleans Parish School Board to desegregate “with all deliberate speed.” *Bush v. Orleans Par. Sch. Bd.*, 138 F. Supp. 337, 342 (E.D. La. 1956) (citing *Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294 (1955)), *aff’d*, 242 F.2d 156 (5th Cir. 1957). When the board failed to submit a desegregation plan, the court ordered one itself. *Bush v. Orleans Par. Sch. Bd.*, 187 F. Supp. 42, 43 (E.D. La. 1960), *aff’d*, 365 U.S. 569 (1961).

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<sup>20</sup> Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877*, 550-51 (1988).

<sup>21</sup> Address of Governor Kellogg to the People of the United States on the Condition of Affairs in Louisiana with Official Facts and Figures 8-9 (emphasis in original), available at <https://babel.hathitrust.org/cgi/pt?id=osu.32435011891801&seq=18>.

<sup>22</sup> The official fatality number has not been confirmed, but Black teacher and legislator John G. Lewis has claimed that the White mob murdered 280 Black residents. FONER, *supra* n.20, at 437.

<sup>23</sup> *Id.*

The Louisiana Legislature responded by transferring control of the public schools to pro-segregationist Governor Jimmie Davis, who ordered Superintendent James Redmond to defy the court order and maintain racial segregation. *Id.*, 187 F. Supp. at 44 (quoting LA. STAT. ANN. § 17:347 (repealed 1960), *invalidated by Bush*, 187 F. Supp. at 44-45).

Louisiana then went further, passing a law barring judges from enforcing *Brown v. Board of Education* in the State and threatening judges and other federal officials with prosecution if they “ma[de] or attempt[ed] to make service of any citation, summons, warrant or process” on Louisiana officials in relation to *Brown*. *Bush v. Orleans Par. Sch. Bd.*, 188 F. Supp. 916, 935 (E.D. La. 1960) (quoting an attached appendix of Act No. 2 of First Extraordinary Session, 1960), *aff’d*, 365 U.S. 569 (1961).<sup>24</sup> The stated justification was that *Brown* itself was a “*usurpation* of the rights reserved to the states.” *Id.* at 934 (emphasis added). Governor Davis echoed the charge, declaring that the Supreme Court “has clearly *usurped* the amendatory power that is constitutionally vested in the states and their citizens.” (emphasis added)<sup>25</sup>

It was against this backdrop that the Louisiana Legislature enacted the modern Usurper Statute.<sup>26</sup> When it stripped Superintendent Redmond of his duties<sup>27</sup> (as Act 15 does of Mr.

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<sup>24</sup> The court invalidated this act as unconstitutional. *Bush v. Orleans Par. Sch. Bd.*, 188 F. Supp. at 930.

<sup>25</sup> Jimmie Davis, Governor, La., Speech on Statewide Television (Nov. 13, 1960), available at <https://www.fjc.gov/history/cases/famous-federal-trials/bush-v-orleans-parish-school-board-desegregation-new-orleans> at 67-68.

<sup>26</sup> See also *Louisiana v. United States*, 380 U.S. 145, 148-49 (1965) (contextualizing the New Orleans school desegregation crisis in the broader history of Black voter disenfranchisement in Louisiana).

<sup>27</sup> 1960 Senate Calendar of the State of Louisiana, Thirty-Second Extraordinary Session of the Legislature Under the Constitution of 1921, at 10 [hereinafter 1960 SENATE CALENDAR] (citing H. Con. Res. 18, 1960 Leg., 30th Extraordinary Sess. (La. 1960)), available at <https://babel.hathitrust.org/cgi/pt?id=uc1.b2905455&seq=642&q1=usurp&start=1>.

Duncan’s Criminal Clerk duties) and he continued reporting to work<sup>28</sup> (which Mr. Duncan attempted to do when a federal court temporarily enjoined Act 15), the Legislature passed the statute<sup>29</sup>, and adopted a resolution declaring (as the Attorney General has done) that Redmond (now Orleans officials) “has attempted to exercise and usurp the functions” of his former office—an offense carrying up to six months in jail.<sup>30</sup> The U.S. Attorney called the law a bill of attainder.<sup>31</sup> The Louisiana Senate Sargeant-At-Arms served Redmond notice at his home that same day, warning that “‘appropriate and prompt action’ will be taken.”<sup>32</sup>

*C. Louisiana’s Invocation of the Usurper Law Today Echoes Its Discriminatory History.*

History is repeating itself, unfortunately. The Attorney General has now threatened to prosecute and remove the New Orleans Mayor, District Attorney, five City Council members, and the Council-appointed interim Court Clerk—virtually the entire elected leadership of a majority-Black city and who are largely Black or other people of color.<sup>33</sup>

Just as the State wielded this law in 1961 to strip Black New Orleanians of equal protection rights in education, it now wields it to override their right to have their elected City Council establish a process to elect a Clerk of the District Court after wiping away their votes and appointing a more pliant individual to a newly created position with awesome responsibilities. *See* LA. CONST. art. V, § 30; *see also supra* Part I (outlining Louisiana’s infringement on the right to vote); *supra* Part II (demonstrating that Act 15 is pretextual).

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<sup>28</sup> *Redmond Gets Ouster Notice*, TIMES-PICAYUNE, Jan. 13, 1961, at 2, available at <https://www.newspapers.com/image/1250951917/?match=1&terms=Redmond>.

<sup>29</sup> 1960 SENATE CALENDAR, *supra* n.27, at 1 (citing H.B. 2, 1960 Leg., 32nd Extraordinary Sess. (La. 1960)).

<sup>30</sup> *Id.* at 10 (citing S. Con. Res. 7, 1960 Leg., 32nd Extraordinary Sess. (La. 1961)).

<sup>31</sup> *Id.* at 11; *see also Redmond Gets Ouster Notice, supra*, n.28 at 2.

<sup>32</sup> *Redmond Gets Ouster Notice, supra*, n.28 at 1-2.

<sup>33</sup> *See supra* n.16.

Courts stood against this before, and this Court can and must do the same today. In 1961, the federal court halted the State's action under the Usurper Statute, rejecting Louisiana's arguments as "illegal defiance of constitutional authority." *Bush*, 188 F. Supp at 926. Ruby Bridges, Tessie Prevost, Gail Etienne, and Leona Tate completed first grade at McDonogh No. 19 and William Frantz elementary schools because of it. Louisiana has resurrected this statute once again. This Court should allow New Orleans to govern itself, free from unlawful disenfranchisement, persecution, or prosecution.

### **CONCLUSION**

Act 15 cancels a completed election and installs an unelected official in defiance of state law, resting on no credible justifications for these monumental changes. When New Orleans officials responded lawfully, the State resurrected a statute built to enforce white supremacy and racial segregation, carried out by the threat of prosecution of virtually the entire elected leadership of a majority-Black city. Together, these actions represent a coordinated effort to strip the voters of Orleans Parish of their fundamental right to choose their own representatives. This Court should reject the State's efforts and uphold the preliminary injunction.

Date: May 20, 2026

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DATED: May 20, 2026

/s/ John Adcock  
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Lower 9th Ward Voter’s Coalition, Power Coalition  
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Black Voters Matter Capacity Building Institute,  
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Incorporated, Lawyers’ Committee for Civil Rights  
Under Law, and the National Urban League

## CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2026, a copy of the foregoing Motion for Leave to File Amicus Curiae Brief of NAACP Legal Defense & Educational Fund, Inc. (“LDF”), National Association for the Advancement of Colored People Louisiana State Conference (“Louisiana NAACP”), Louisiana Justice Institute, Louisiana Urban League, Lower 9th Ward Voter’s Coalition, Power Coalition for Equity and Justice, Voice of the Experienced, Black Voters Matter Capacity Building Institute, Campaign Legal Center, Delta Sigma Theta Sorority Incorporated, Lawyers’ Committee for Civil Rights Under Law, and the National Urban League and Proposed Amicus Brief was filed with the Clerk of the Court by using the Louisiana Supreme Court E-Filing System. This document will also be e-served to all counsel of record via email.

/s/ John Adcock  
John Adcock