

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**KENNETH HALL**

*Plaintiff,*

**v.**

**CIVIL ACTION NO.: 3:12-cv-657  
BAJ/RLB**

**STATE OF LOUISIANA, et al**

*Defendants.*

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**HALL'S FOURTH AMENDING AND SUPPLEMENTAL COMPLAINT**

1. Additionally, this is an action by Plaintiff Kenneth Hall to find purposive and/or intentional liability against the Defendants under the Fourteenth and Fifteenth Amendments to the United States Constitution, to enter judgments and grant a remedy pursuant to Section 3(c) of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973a(c).

**JURISDICTION AND VENUE**

2. Pursuant to 42 U.S.C. §§1973c, 1973j, 1983 and 28 U.S.C. §§1331 and 2284, this Court has jurisdiction to afford Plaintiff Hall the judicial relief he seeks for violation of his and others' rights protected by the aforesaid constitutional and statutory provisions.
3. Venue is proper in this jurisdiction pursuant to 28 U.S.C. §1391(b).

**FACTUAL ALLEGATIONS**

4. All factual and general allegations, particularly those specified herein above, and in all paragraphs of the (a) Original Complaint, (b) the First Amending and Supplemental Complaint, (c) the Second Amending and Supplemental Complaint, and (d) the Third

Amending and Supplemental Complaint are re-alleged and are not superseded herein as if set out fully herein.

5. All Defendants, the State of Louisiana, the Governor, the Attorney General, the Secretary of State, East Baton Rouge Parish, and the City of Baton Rouge, have separately, jointly, and/or cooperatively acted and continues to act in such a way that they now must be ordered to comply with the Constitution of the United States, the 1871 Civil Rights Act, 42 U.S.C. §§ 1983 and 1986, and Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973c.
6. Such actionable conduct of the Defendants include invidious maintenance and enforcement of the 1993 Judicial Election Plan, which continually: (1) infringes Intervenor's fundamental right to vote, as protected by the Fourteenth Amendment; (2) violates the Equal Protection Clause of the Fourteenth Amendment; (3) violates the Due Process Clause of the Fourteenth Amendment; (3) violates the Privileges and Immunities Clause of the Fourteenth Amendment; (4) violates the Fifteenth Amendment; (5) violates Section 2 of the Voting Rights Act of 1965; (6) violates the democratic principles of majority rule and individualistic egalitarianism as related to the "one person, one vote" principle of the Equal Protection Clause of the Fourteenth Amendment; (7) violates the principles of the fundamental order of reserved and protected rights of citizens of the United States as can be found in the preamble or penumbras of the Constitution of the United States, and which violates the First Amendment's guarantee of freedom of speech, made applicable to the States by the Equal Protection Clause of the Fourteenth Amendment.

7. Since 1812, the State of Louisiana has engaged in persistent, purposeful, and intentional efforts to eliminate, reduce, dilute, and diminish the voting strength of African American voters and to exclude them fully and equally from the national, state, and local political process.
8. The Defendants knew that the city of Baton Rouge became a majority-minority populated city as early as the year 2000. After the September 2005 Hurricanes Katrina and Rita, the Defendants became aware that the City of Baton Rouge had become a super-majority African American city.
9. After the 2010 United States Census, it became specifically obvious that exact population and demographics had drastically changed in Louisiana whereby African American citizens became a supermajority of the City of Baton Rouge's population, voting age population and registered voters.
10. Yet, the Defendants failed to consistently, logically, rationally, and for non-racial reasons apply the same rules, policy, and formulae—the 1990 census percentage and racial statistics in the demographic and population ratio of 60% = 3 judgeships to 40% = 2 judgeships—to alter the composition of the Baton Rouge City Court to adequately reflect the change in the demographics, which they knew diminished, diluted, and minimized the political and voting power of African American voters and which invidiously discriminates against African American voters in violation of the United States Constitution.
11. Additionally, the State of Louisiana, which was then covered under Section 5 of the Voting Rights Act, 42 U.S.C. §1973c(a), failed to seek administrative preclearance for a

number of voting changes that adversely affected African American voters, particularly those in the city of Baton Rouge.

12. Time and time again, and to this date, Louisiana has, in the realm of voting, engaged in intentional and purposeful racial discrimination.
13. Given the recent loss of Section 5 protections for Louisianans, it is arguable that the “broad remedial purpose” that motivated Section 3(c) was designed for a situation exactly like this one: to protect the ability of Louisiana citizens to achieve longstanding protection from pernicious and persistent racial discrimination in voting.
14. Even where constrained by Section 5’s protections, Louisiana still acted contrary to federal law. Absent any restraint at all, the results could and likely will be devastating for Louisiana’s African American citizens and voters.
15. The history of Louisiana’s discrimination reinforces the urgent need for pre-enforcement review of Louisiana voting changes, but this Court need not travel back far in time to identify ample justification for application of the bail-in provision.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, Kenneth Hall respectfully prays that this Court “bail-in” the State of Louisiana under Section 3(c) of the Voting Rights Act of 1965, 42 U.S.C. §1973a(c), after a finding of violations of the Fourteenth and Fifteenth Amendments and other United States Constitutional amendments requiring the State of Louisiana to submit statewide laws relating to voting practices or procedures for preclearance review for a time period deemed appropriate by this Court but certainly no less than 10 years is appropriate, justified and required by the Voting Rights Act, and for all general and equitable relief, particularly the additional relief as each court is jurisdictionally authorized based on the premises considered.

Date, 9<sup>th</sup> day of October 2013.

**RESPECTFULLY SUBMITTED:**

*The Law Offices of Ronald R. Johnson*

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 9<sup>th</sup> day of October, 2013, a true and correct copy of the foregoing “Fourth Amending and Supplemental Complaint” was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent by operation of the Court’s electronic filing system to all counsel of record.

Baton Rouge, Louisiana, this 9<sup>th</sup> day of October, 2013.

/s/ Ronald R. Johnson  
**RONALD R. JOHNSON**