

## ADVISORY TASK FORCE ON COMPOSITION OF JUDICIAL DISTRICTS

June 12, 2019

Greetings to the Advisory Task Force on Composition of Judicial Districts. My name is Dr. Sekou Franklin and I am an Associate Professor of Political Science at Middle Tennessee State University. I am a resident of Nashville. I am speaking, not necessarily as a professor, but as an advocate of voting rights and community redistricting. I received training in expert redistricting analysis and have worked several cases and disputes. I work with the NAAC Legal Defense Fund, Democracy Nashville-Democratic Communities, and the Tennessee NAACP. Hence, my comments reflect my work, more so with community and civil rights groups, but they also reflect my training, particularly in Voting Rights and Redistricting.

I want to emphasize several points in my brief comments. First, the judicial redistricting task force is important given the reach that judicial districts have in daily life. A judicial district boundary can determine important outcomes such as sentencing policies, prompt arraignment, civil asset forfeiture, and whether a drug task force has a problem with racially disproportionate enforcement, or other disparities between urban and rural. We know, anecdotally, that civil asset forfeiture claims – at the state and local levels – have been viewed differently between urban and rural jurisdictions. We also have anecdotal evidence – unless

there is an empirical study that has been produced – that some defendants or people bringing complaints must wait an extended number of days to have their case heard before court. There are also geographic considerations. A person, for example, from Bolivar in Hardeman County must travel more than an hour, in some cases, to have her or his case heard in Chancery Court. For criminal-related cases, we have heard some complaints that alleged offenders must wait too long in jail to have their cases heard, especially if they cannot afford bail.

I also believe that the content of judicial districts raises important constitutional issues, and perhaps voting rights concerns, even if indirect or unintentional or even if they don't meet the standard established by the federal courts in the past two decades. Based on preliminary analysis by the NAACP LDF, it is clear that judicial districts in rural West can be redrawn to enhance the representation of African Americans. For instance, there is a good argument that one can make suggesting that Madison County, which holds the city of Jackson, can have its own judicial district or that a more representative district can be created in rural West Tennessee, especially since Coffee County and Sullivan County have their own judicial districts. In other words, with some adjustments to the redistricting map, we believe that there could be enhanced representation in terms of the selection of judges and inputs in other proceedings such as the judicial

drug task force, civil asset forfeiture claims, money bail, effective representation at the public defender level, and other measures.

Finally, I want to raise issues about representation. Unfortunately, and I am not casting blame on anyone sitting on this commission, but this commission has no representation of people of color. African Americans make up 17% of the population and are disproportionately situated in the criminal justice system. We have a fast-growing immigrant population – both documented and undocumented – which is also impacted, disproportionately by civil asset forfeiture and other procedures. In all aspects of the criminal justice system and non-criminal judicial proceedings – in numerous conversations, public hearings, and other venues – by groups such as the Tennessee Advisory Committee to the U.S. Civil Rights Commission, the Sentencing Commission in the late 1980s, and numerous groups, we see disproportionality in court proceedings along the lines of race, class, gender, and citizenship status. However, this committee lacks in representation.

Hence, I am encouraging the commission to take steps to address these pressing diversity issues. This should include reaching out to groups such as the NAACP LDF, the Tennessee NAACP, diverse bar associations, and the Tennessee Black Caucus for more input on judicial districts and how the shape outcomes related to judicial proceedings. And, I should add that the NAACP LDF is

requesting the submission of comments for these proceedings. Thank for your time and service.