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Jackson Residents Sue Public Officials, Calling H.B. 1020 a Violation of the Mississippi Constitution

Lawsuit Says Circuit Judges Must be Elected and CCID Court is Illegitimate

JACKSON, Miss. – Today, three Jackson residents filed a [lawsuit](#) in the Chancery Court of Hinds County asking that court to block the implementation of House Bill 1020 because it violates the Mississippi Constitution. Plaintiffs Ann Saunders, Sabreen Sharrieff, and Dorothy Triplett say H.B. 1020’s requirement that the Chief Justice of the Mississippi Supreme Court appoint four judges to the Hinds County Circuit Court runs afoul of the state constitution’s requirement that circuit judges in Mississippi “shall be elected.” The plaintiffs, The MacArthur Justice Center, Mississippi Center for Justice, ACLU-MS, and Legal Defense Fund (LDF), also say that the new Capitol Complex Improvement District (“CCID”) court set to open in Jackson on January 1, 2024, lacks judicial authority under Mississippi law.

“State lawmakers have said that this takeover of our judicial system is for our own good, for our own safety, and that is deeply offensive to me,” said Ann Saunders, a plaintiff in the litigation. “African Americans in Mississippi died so that we could vote. How does weakening the right to self-governance make us safer? Safety comes from communities having resources they need to develop the safeguards they know will be appropriate and effective. In the struggle for freedom, we want that responsibility. H.B. 1020 denies us that and makes us less of a democracy.”

H.B. 1020, signed by Gov. Tate Reeves on Friday, was sponsored by Rep. Trey Lamar of Senatobia, Mississippi, a small majority-white town located three hours north of Jackson, Mississippi—where 83% of the residents are Black. H.B. 1020 was fiercely opposed by community advocates, local officials, and elected representatives in the legislature, and gives state officials extensive power in a geographic carve-out of Jackson that includes the city’s long-established majority white neighborhoods.

H.B. 1020 also requires Mississippi Supreme Court Chief Justice Michael K. Randolph, a defendant in the lawsuit, to appoint four unelected judges to the Hinds County Circuit Court by May 6. While elected judges across the state must reside in the district where they are elected, H.B. 1020 allows for the four judges appointed by Randolph to reside outside of Hinds County – a constituency that is 74% Black.

Like the new circuit court judges, the judge presiding over the CCID court, established by H.B. 1020, will be appointed by Chief Justice Randolph. This new court, the only one of its kind in the state, will have authority over preliminary matters in felony criminal cases and be authorized to enforce misdemeanor offenses and certain Jackson city ordinances. While people who commit misdemeanor offenses in the rest of the state face possible incarceration in local county jails,

H.B. 1020 gives the judge in the new CCID court authority to send people who commit misdemeanor offenses within the boundaries of the CCID to Central Mississippi Correctional Facility, one of Mississippi's notoriously unsafe state prisons.

The Mississippi Constitution permits the legislature to create new courts but requires that they be "inferior" to courts expressly identified in the constitution. The lawsuit highlights that the CCID court is not an inferior court as permitted by Mississippi law because H.B. 1020 does not provide any right to appeal the decisions of the CCID court to any higher court identified in the state constitution. The CCID court therefore lacks legal authority to carry out any of the functions provided for under H.B. 1020.

"H.B. 1020 is a blatant power grab by the legislature to further silence voters and assert control over a majority-Black county," said Legal Defense Fund (LDF) Redistricting Project Manager Stuart Naifeh. "Boxing voters out from electing officials who will preside over criminal cases is shameful and undermines the checks and balances that hold Mississippi's democracy together. We will not rest until the legislature abides by the state constitution and voters have a say in who runs their courtrooms."

Cliff Johnson, director of the MacArthur Justice Center at the University of Mississippi School of Law and one of the plaintiffs' attorneys, said, "Let's be perfectly clear, it is the Mississippi Legislature that created this mess. If the supporters of H.B. 1020 really wanted to help Jackson and its citizens, they could have talked with local residents, taken to heart the urgings of local city and state officials who opposed this radical legislation, and crafted something that isn't anti-democratic and doesn't undermine local leadership. Instead, they passed this law that gives the public officials we are suing no choice but to do things that are unprecedented and unconstitutional."

"This legislation was created to further disempower voters," said Vangela M. Wade, President & CEO, Mississippi Center for Justice. "This unprecedented power grab strips Hinds County and Jackson residents of their ability to hold judges in office accountable for their actions. It is unacceptable for the state of Mississippi to target a city and county with majority-Black electorates, who regularly elect Black judicial and political officials, for the unique injustice of having one man, who is white, appoint as many Circuit Court judges as we can elect, and appoint the head of what we believe the law will show is a constitutionally illegitimate CCID Court."

"This session, lawmakers had several opportunities to help Jackson residents," Jarvis Dortch, Executive Director of the ACLU of Mississippi, said. "They could have saved a failing health care system, fixed a broken, corrupt TANF program, or fully funded public education; instead, legislators spent 90 days pushing bills to diminish the political and voting power of Jackson's Black citizens. No proposal went as far as H.B. 1020. This harmful and unconstitutional bill, along with S.B. 2343, both disenfranchises the majority Black residents of Jackson and expands the jurisdiction of an unaccountable Capitol Police force. The ACLU of Mississippi is happy to join our partners in bringing this legislation to elevate the voices of thousands of Black Jacksonians ignored, disenfranchised, and disempowered by Mississippi lawmakers in the passage of H.B. 1020."

The plaintiffs' argument that H.B. 1020 is unconstitutional will first be heard by a locally elected judge in the Hinds County Chancery Court. The case ultimately will be decided by the Mississippi Supreme Court.

This [litigation](#) is brought alongside and arises from the broad-based community education, organizing, and direct action work of the Jxn Undivided Coalition (#JxnUndivided), which is comprised of dozens of member organizations who work together to protect the right to vote, the right to flourish, and the right of political self-determination for Jackson residents.

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