



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 17 1992

Honorable Richard P. Ieyoub  
Attorney General of the  
State of Louisiana  
State Capital  
P.O. Box 94005  
Baton Rouge, Louisiana 70804

Dear Mr. Ieyoub:

This refers to your request that the Attorney General reconsider and withdraw the objections under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, to the voting changes affecting judicial elections in the sixteenth judicial district court and the third circuit court of appeal for the State of Louisiana identified in Attachment A. The objections were interposed on September 23, 1988, and May 12, 1989. We received your request on February 28, 1992.

This also refers to Act 10 (1968), which authorizes the creation of an additional judicial position to be elected at large in the third circuit court of appeal for the State of Louisiana. We note that on September 23, 1988 the Attorney General interposed an objection to this same change, which the state identified as having been occasioned by Act 114 (1975). We received your submission of the voting change occasioned by Act 10 on February 28, 1992.

We have carefully considered the information you have provided, as well as information from other interested parties and from the cases of Clark v. Edwards, 86-435A (M.D. La.) and Louisiana v. United States, 91-0122 (D.D.C.). The sixteenth judicial district court includes three parishes with a total population of 170,361, and black persons comprise 30.9% of the population of the district. The legislature has authorized seven judicial positions in the sixteenth district; five such positions have been precleared under Section 5 while objections were interposed to the other two positions. The third circuit court of appeal encompasses 21 parishes in the southwest and central

portions of the state, including the area of the sixteenth district. The total population of the third circuit is approximately 1.1 million, of whom 24.7% are black persons. The legislature has authorized three judicial positions in each of the three election districts of the circuit and three additional positions to be elected at large from the entire circuit; eight positions have been precleared under Section 5, while objections have been interposed to four positions, one position within each district and one at-large position. Black persons constitute approximately 30%, 26%, and 20.5%, respectively, of the total population of the three election districts of the circuit.

Our analysis reveals that election contests within the sixteenth district and third circuit, including interracial judicial contests, have been marked by racially polarized voting. In addition, given the total number of positions authorized by the legislature, it is possible to create one or more election districts or subdistricts having a black majority of voting age population in both the sixteenth district and third circuit. Against this factual backdrop, and in the face of the state's adoption of electoral schemes in other parts of the state to remedy the persistent dilution of black voting strength in those areas, the state continues to refuse to adopt a method of election in the sixteenth judicial district and third circuit which will provide black voters with an equal opportunity to participate in the political process and elect candidates of their choice.

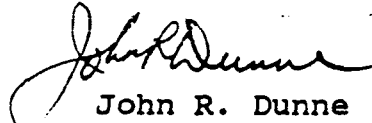
Under the Procedures for the Administration of Section 5 an objection shall be withdrawn if the Attorney General is satisfied that the change does not have the purpose and will not have the effect of discriminating on account of race or color, and that implementation of the change will not lead to a clear violation of amended Section 2 of the Voting Rights Act. See 28 C.F.R. 51.48, 51.55. In light of the circumstances discussed above, we see no basis for altering our earlier conclusions in this matter. Accordingly, on behalf of the Attorney General, I must decline to withdraw the September 23, 1988, and May 12, 1989, objections to the changes affecting judicial elections in the sixteenth judicial district court and the third circuit court of appeal, which are identified in Attachment A, and must interpose an objection to the additional judicial position in the third circuit to be elected at large, authorized by Act 10 (1968).

We note that these changes remain at issue in Louisiana v. United States, No. 91-0122 (D.D.C.), a pending Section 5 declaratory judgment action. Of course, until a judgment from the District of Columbia Court is obtained, these changes continue to be legally unenforceable. Clark v. Roemer, 111 S. Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45. To enable us to meet our responsibility to enforce the Voting Rights Act, please

inform us of the action the State of Louisiana plans to take concerning this matter.

In addition, your February 28, 1992 letter requested that we acknowledge that all seats and acts covered in Exhibit G to your letter have been precleared previously by the Department of Justice. If you wish to contact Donna M. Murphy, an attorney in the Voting Section, at 202/514-6153, she will assist you with this request.

Sincerely,



John R. Dunne  
Assistant Attorney General  
Civil Rights Division

cc: Honorable Edwin M. Edwards  
Honorable W. Fox McKeithen  
Ernest L. Johnson, Esq.  
Michael M. Rubin, Esq.  
Robert B. McDuff, Esq.  
Ulysses Gene Thibodeaux, Esq.

ATTACHMENT A

<u>Judicial District</u>	<u>Voting Change</u>	<u>Act Number</u>	<u>Date of Objection</u>
16th	authorize position "D" & special election therefor	104 (1968)	9/23/88
	authorize position "G" & implementation schedule	56 (1984)	5/12/89
 <b>THIRD CIRCUIT</b>			
At-large	authorize add'l position	114 (1975)	9/23/88 <sup>1/</sup>
Dist 1	authorize position "C" & implementation schedule	801 (1987) 200 (1988)	9/23/88 9/23/88
Dist 2	authorize position "C" & implementation schedule	801 (1987) 200 (1988)	9/23/88 9/23/88
Dist 3	authorize position "C" & implementation schedule	801 (1987) 200 (1988)	9/23/88 9/23/88

---

<sup>1/</sup> This judicial position initially was identified by the state as being authorized by Act 114 (1975), and the September 23, 1988, objection letter identified it in that manner. By its letter of February 28, 1992, the state identifies Act 10 (1968), rather than Act 114 (1975), as the statute which authorized the additional judicial position to be elected at large in the third circuit. Accordingly, in this letter we have interposed an objection to the voting changes occasioned by Act 10 (1968). In addition, our letter should be read as declining to withdraw our objection to the voting changes occasioned by Act 114 (1975), to the extent that such statute occasions voting changes in the third circuit.