U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

September 11, 1995

Jerald N. Jones, Esq.
City Attorney
P.O. Box 31109
Shreveport, Louisiana 71130-1109

Dear Mr. Jones:

This refers to 12 annexations (Ordinance Nos. 75, 78, 191-195, 283-285 (1994), 34 and 61 (1995)) to the Shreveport City Court in Bossier and Caddo Parishes, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on July 13 and August 25, 1995.

The Attorney General does not interpose any objection to the annexation effected by Ordinance No. 194 (1994) as we understand it is industrial property with no potential for residential development. However, we note that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

All of the other annexations before us either have current population or the potential for future residents, and for them we reach a different conclusion. As you know, on September 6, 1994, the Attorney General interposed objections to all annexations adopted between 1966 and 1993 which expanded the boundaries of the Shreveport City Court, as well as other changes. A copy of our September 6, 1994, letter is enclosed.

Our letter noted that the cumulative effect of the submitted annexations was an 11 percentage point decrease in the black population. In light of the evidence that local judicial elections are characterized by racial bloc voting, we concluded that the annexations effect a significant reduction in the opportunity of black voters to elect candidates of their choice in city court elections. We noted, however, that these

annexations could nevertheless warrant Section 5 preclearance if the jurisdiction has obviated the retrogressive effect by adopting an election system "which would afford [black voters] representation reasonably equivalent to their political strength in the enlarged community." City of Richmond v. United States, 422 U.S. 358, 370 (1975).

We therefore examined the method of electing city court judges to determine whether the election system legally in effect under Section 5 (i.e., two judges elected at large by designated positions, subject to a majority voter requirement) or the system proposed by Act No. 501 (1992), also then before us for Section 5 review (one judge elected from a 73 percent black district and three judges elected by designated positions from a 35 percent black district), satisfied the City of Richmond test. For the reasons stated in our letter, we concluded that neither system fairly reflected minority voting strength in the expanded jurisdiction and that reasonable alternatives existed which would afford black voters representation reasonably equivalent to their political strength.

In the year that has passed since our objection, no changes to the method of electing the judges of the Shreveport City Court have been adopted by the state legislature. Thus, the election system against which we assess the impact of proposed boundary changes remains the same. Eleven of the 12 annexations now before us have current population or the potential for future population. The total current population for these annexations is 526 persons, all of whom are white. Based on existing residential patterns, future residents in these areas can be expected to be predominantly white. The newly proposed annexations would therefore increase the dilution of minority voting strength we have previously found to be impermissible under Section 5 of the Voting Rights Act.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. Georgia v. United States, 411 U.S. 526 (1973); see also 28 C.F.R. 51.52. In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the remaining 11 annexations to the Shreveport City Court.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed annexations have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. However, until the

objection is withdrawn or a judgment from the District of Columbia Court is obtained, the proposed annexations continue to be legally unenforceable insofar as they affect voting. See Clark v. Roemer, 500 U.S. 646 (1991); Dotson v. City of Indianola, 514 F. Supp. 397, 403 (N.D. Miss. 1981), aff'd mem., 455 U.S. 936 (1982); 28 C.F.R. 51.10.

In our September 6, 1994, letter we noted that because unprecleared annexations and the third judgeship had been implemented in violation of Section 5, we would need to carefully consider what remedial action may be necessary should the state not act to correct or remedy the violation. To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the State of Louisiana, on behalf of the Shreveport City Court, plans to take concerning these matters. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,

Loretta King
Acting Assistant Attorney General
Civil Rights Division

Enclosure