

AUG 15 1975

JSP:JFG:bhj, DJ 166-013-3, V8185

Mr. Kenneth C. DeJean
Assistant Attorney General
State of Louisiana
Department of Justice
Baton Rouge, Louisiana 70804

Dear Mr. DeJean:

This is in reference to your submission pursuant to Section 3 of the Voting Rights Act of 1965 of Louisiana State Act No. 494 of the 1974 Regular Session which reapportions and redistricts the Orleans Parish Executive Committee. Your submission was completed on June 18, 1975.

The submitted change requires Executive Committee candidates to designate a post and receive a majority of the votes within multi-member districts. We have given careful consideration to the information which has been provided in our evaluation of the submission in order to determine if the change will have the purpose or effect of denying or abridging the right to vote on account of race or color. Because we are unable to conclude that the implementation of Act 494 will not have the proscribed effect, I must, on behalf of the Attorney General interpose an objection to the implementation of that Act.

Our analysis has shown that where, as in Orleans Parish, there is increasing participation in the political process by the black community, that the imposition of designated posts and majority vote requirements in the context of multi-member districts has the proscribed effect of diluting the potential for minority voters to participate in the political process and to elect candidates of their choice.

See White v. Regester, 412 U.S. 755 (1973); Graves v. Barnes, 343 F. Supp. 704 (W.D. Tex. 1972). See also, Whitcomb v. Chavis, 403 U.S. 124 (1971). In addition, we have also noted that the proposed district lines closely follow the parish ward lines. It was the drawing of district lines along similar ward lines that the Attorney General, in part, based his objection to Act 106 of the 1971 Regular Session. Also, see Russie v. Governor of Louisiana, 333 F. Supp. 452 (1972).

I would also like to direct your attention to the submission, pursuant to Section 3 of the Voting Rights Act, of Act 107 of the 1971 Regular Session. Although Act 107 (1971) was received June 7, 1972, and additional information was requested by letter dated July 3, 1972, and again by letter dated August 7, 1974, such information has not been provided to this Department.

While the information requested has not been provided, in view of the protracted pendency of this submission and the submission of Act 494 (1974) along with information submitted in connection with our evaluation of Act 494, we have concluded that no useful purpose would be served by further delaying the Attorney General's determination of Act 107. Consequently, we have proceeded to evaluate Act 107 (1971) on the information available. The information which we have evaluated reveals that Act 107 (1971) provided multi-member districts in conjunction with the anti-single shot and majority vote requirement features. Also, the districting plan again closely followed the parish ward lines.

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

Sincerely,

until there is review of the change pursuant to section 5. The 1966 extra session, are unworkable unless and enacted after November 1, 1964, including Act 14 of affect the standard practice or procedure of voting rights Act all amendments to LSA-R.S. 18:235(a) which also significant to point out that under the voting (1971) is to render the acts unworkable. It is interfering objections to Acts 494 (1974) and 107 Court, however, the legal effect of the Attorney General color. Until such a judgment is rendered by that or denying the right to vote on account of race or (1971) neither have the purpose nor effect of abridging district of Columbia that Acts 494 (1974) and 107 a declaratory judgment from the District Court for the the provisions of section 5 which permits you to seek Lastly, I would like to call your attention to

interpose an objection to Act 107 (1971). Therefore, on behalf of the Attorney General, I must on account of race or color. (See 25 C.F.R. 51.19.) nor effect of abridging or denying the right to vote of proving that Act 107 (1971) has neither the purpose stated that the state has not met its legal burden based my objection to Act 494 (1974), we have con- For reasons similar to those which I have

OCT 24 1975

Honorable William J. Guste
Attorney General
State of Louisiana
Department of Justice
Baton Rouge, Louisiana 70804

Dear Mr. Attorney General:

We have the letter of August 26, 1975, from Mr. Kendall Vick of your office requesting reconsideration and withdrawal of our August 15, 1975, objections to Acts 494 (1974) and 107 (1971) on the basis that Acts 1 and 199 of 1975 abolished designated posts within a district.

As I indicated in my August 15, 1975, letter, the bases for the objections were the use of designated posts and majority vote requirements in the context of multi-member districts as well as the use of district lines which closely follow parish ward lines and have the proscribed dilutive effect upon minority voting strength. Thus, the Attorney General's objections were based not only on the designated post feature but also on the manner in which the district lines themselves were drawn.

We have noted the additional information furnished by Mr. Vick and his views with respect to LSA-R.8. Section 18:391.E. abolishing designated posts. However, we find nothing bearing upon our prior finding that the district lines have the proscribed dilutive effect upon minority voting strength. As I indicated in my August 15, 1975, letter the district lines involved in this submission follow closely the city ward lines which formed the

basis, in part, for the Attorney General's objection to Act 108 of the 1971 Regular Session and a similar adherence to those city ward lines led to an objection to a 1973 councilmanic redistricting in the City of New Orleans, an objection upheld by the District Court in Beer v. United States, 374 F. Supp. 363 (D.D.C. 1974) (presently on appeal to the Supreme Court). Accordingly, on behalf of the Attorney General, I must decline to withdraw the objections interposed to Acts 494 (1974) and 107 (1971).

Also, again in reference to my August 15, 1975, letter, ". . . the legal effect of the Attorney General interposing objections to Acts 494 (1974) and 107 (1971) is to render the acts unenforceable." Since it is our understanding that Orleans Parish may proceed with the election in spite of the objection, I must advise you that to do so would be contrary to federal law. Reine, et al. v. Town of Sorrento Municipal Democratic Executive Committee, et al., Civil No. 73-120 (M.D. La., April 18, 1975); United States v. Warren County Board of Supervisors, et al., Civil No. 73W-43(N) (S.D. Miss., July 30, 1975); United States v. Grenada County, Mississippi, et al., Civil No. WC7544-K (N.D. Miss., May 30, 1975). Therefore, please advise us whether Orleans Parish intends to proceed with the parish executive committee elections pursuant to the objected to act.

Because the view of Mr. Vick expressed in his August 15 letter that Section 391.E. has abolished the use of designated posts in Louisiana may have a significant bearing on other submissions from your state, I would appreciate also your advising whether that is the official opinion of your office.

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If you have any questions in this matter, please contact Gerald W. Jones, Chief of the Voting Section, whose telephone number is (202/739-2167).

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division