

9 1 MAR 1976

Mr. John Gallagher
City Attorney
Legal Department
P. O. Box 1109
Shreveport, Louisiana 71130

Dear Mr. Gallagher:

This is in reference to the 90 annexations to the City of Shreveport, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on January 31, 1976.

In examining annexations under Section 5 of the Voting Rights Act, it is incumbent on the Attorney General to determine whether the annexations, either in purpose or effect, result in racial discrimination in voting. In making this evaluation we apply the legal principles which the courts have developed in the same or analogous situations. Moreover, it is also significant that Section 5 only prohibits implementation of changes affecting voting and provides that such changes may not be enforced without receiving prior approval by the Attorney General or by the District Court for the District of Columbia. Our proper concern then is not with the validity of the annexations as such but with the changes in voting which proceed from them.

With the understanding of the Attorney General's role under Section 5 in mind, I can advise you that the Attorney General will not interpose an objection to 39 of the annexations submitted.

1/ Our analysis reveals that these 39 annexations involve either areas that are not populated or areas the populations of which would have at most a de minimus effect on minority voting strength.

With regard to the other 51 annexations we cannot reach a like conclusion. 2/ We have carefully examined these annexations in light of the information provided, and federal court decisions which have involved questions of the racially dilutive effect of annexations where political subdivisions conduct elections on an at-large basis. City of Richmond V. United States, 422 U.S. 358 (1975);

1/ These are annexations identified by paragraph numbers 3, 4, 5, 7, 11, 17, 18, 30, 32, 34, 36, 40, 43, 45, 46, 47, 52, 53, 54, 58, 63, 64, 65, 69, 72, 73, 74, 75, 76, 77, 79, 81, 82, 83, 84, 86, 87, 88 and 89 in the list contained in your submission.

2/ These are annexations identified by paragraph numbers 1, 2, 6, 8, 9, 10, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 33, 35, 37, 38, 39, 41, 42, 44, 48, 49, 50, 51, 55, 56, 57, 59, 60, 61, 62, 66, 67, 68, 70, 71, 78, 80, 85 and 90.

City of Petersburg V. United States, 354 F. Supp. 1021 (D.D.C. 1972) aff'd 410 U.S. 962 (1973).

According to the data received, the overwhelming majority of the individuals residing in these annexed areas are white. Our information regarding elections in Shreveport demonstrates that the City elects its commission on an at-large basis and that racial bloc voting exists generally.

Under these circumstances, commensurate with the decisions cited above, we cannot conclude that the 51 annexations in question will not have a racially dilutive effect on voting in Shreveport. Accordingly, I must on behalf of the Attorney General interpose an objection. In this connection, should the City undertake to elect its commission from single-member districts the Attorney General will reconsider his determination of this matter.

Moreover, as set out in the Section 5 guidelines, 28 C.F.R. 51.23 and 51.24, we will examine any information not previously available to you, or any facts which we may not have considered, in support of a request to reconsider the objection interposed above.

Of course, as provided by Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that these annexations have neither the purpose nor effect of denying or abridging the right

to vote on account of race or color. However, until such a judgment is rendered by that court, or until the objection has been withdrawn by the Attorney General, the legal effect of the objection by the Attorney General is to render the 51 annexations in question legally unenforceable insofar as they affect voting in the City of Shreveport.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

SEP 14 1976

Mr. John Gallagher
City Attorney
City of Shreveport
Legal Department
P. O. Box 1109
Shreveport, Louisiana 71130

Dear Mr. Gallagher:

This is in reference to your request for reconsideration of the March 31, 1976, objection under Section 5 of the Voting Rights Act to 31 annexations by the City of Shreveport, Louisiana, and also in reference to a special election by the City of Shreveport, submitted to the Attorney General pursuant to Section 5. Your request for reconsideration was received on July 12, 1976, and the submission for the special election was received on August 20, 1976.

In your letter requesting reconsideration you also requested a conference to present additional information in reference to the annexations. I am informed, however, that in a telephone conversation with Ms. Yvonne Lee of my staff on July 13, 1976, you indicated that, in view of the meeting previously held on June 30, no further conference was necessary since the statistical information referred to was contained in the letter requesting reconsideration.

We have given careful consideration to the statistical and other information that you have provided. We have also considered the decision in Blacks United for Lifting Leadership, Inc., et al. v. City of Shreveport, Civil No. 74-272 (W.D. La. July 16, 1976), rendered by the federal district court subsequent to our initial objection, in which

the court found that "the commission-council form of municipal government in Shreveport, requiring at-large election of all Commissioners, within the framework of facts and circumstances peculiar to this city, operates impermissibly to dilute the minority voting strength of black electors." Slip opinion at 6. On the basis of our analysis of the information you have provided and the findings of the court in the Blacks United for Lasting Leadership case, we are unable to conclude that the annexations do not have the effect of denying or abridging the right to vote on account of race or color. I must, therefore, on behalf of the Attorney General decline to withdraw the objections interposed to the 51 annexations.

As we stated in our letter of March 31, 1976, however, should the City undertake to elect its commission from fairly drawn single-member districts, the Attorney General will reconsider his determination of this matter.

With respect to your submission received on August 20, 1976, we understand that the City of Shreveport plans to hold a special primary election October 2, 1976, and a special general election November 2, 1976, to fill a vacancy on the city commission. The Attorney General does not interpose any objection to the holding of the special election itself. However, the legal effect of the objection to the annexations is to render them unenforceable insofar as they affect voting in the City of Shreveport. Your letter indicates that you are taking steps to separate the votes from the annexed areas to which objections were interposed from the other votes cast in the city. I would appreciate your advising us prior to the October 2 primary of the procedure that will be used to effectuate the objection insofar as potential voters in the objected-to annexed areas are concerned, i.e., whether the votes from these areas will be counted if they would affect the outcome in either the special primary or the special general election.

Finally, it has come to our attention that in 1974 an annexation of an island was made by the City of Shreveport. Our records fail to show that this annexation has been submitted as required by Section 5 of the Voting Rights Act, as amended. If our information is correct, it is necessary that this change either be brought before the District Court for the District of Columbia or submitted to the Attorney General for review.

If you have any questions concerning the matters discussed in this letter, please do not hesitate to call Ms. Lee (202/739-3873) or David Hunter (202/739-3249) of my staff, who have been assigned to handle this matter.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division