

MAY 12 1978

Mr. Ernest L. Salatich
Assistant City Attorney
City of New Orleans
Department of Law
New Orleans, Louisiana 70112

Dear Mr. Salatich:

This is in reference to the five polling place changes for the City of New Orleans, submitted by your letter dated March 21, 1978 (postmarked March 30, 1978) to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on April 3, 1978.

With regard to the polling place changes for Ward 9, Precinct 12; Ward 12, Precinct 12; Ward 14, Precinct 4; and Ward 7, Precinct 22 the Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. In addition, as authorized by Section 5, the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day period.

With regard to the polling place change for Ward 7, Precinct 6, we are unable to conclude that the change does not have a prohibited discriminatory effect. We have given careful consideration to the material which you provided, as well as information and comments from other interested parties. At the outset we note that the polling places here under submission appear to be part of a recurring pattern of polling place changes in New Orleans just prior to elections and, in fact, this submission reached us two days after the change in question was implemented during the April 1, 1978, election. Thus, in this instance we have some evidence of actual rather than just potential effect.

According to our information, on March 17, 1978, the polling place for Precinct 6 was changed from the home of Mr. & Mrs. Desbignes to the River Frederick Elementary School which is located in another precinct which is not contiguous with Precinct 6. About 92 percent of the registered voters of Precinct 6 are black. There is evidence that although Mr. Desbignes had requested, in October 1977, that a new polling place for Precinct 6 be selected, the new polling place was not obtained until fourteen days before the runoff special election for the Fourth Senatorial District.

In addition, there is evidence that the procedures for notifying voters of changed polling places set forth in your letter of submission were not followed during the April 1 election. For instance, we have been advised that advertisements placed in the daily newspaper up to March 30 contained the address of the old polling place for Precinct 6 and that on the day prior to the election, as well as on the day of the election, the polling place though listed with the correct address had an incorrect name of the school. Further, it appears that the sign posted at the old polling place was not comparable to the sample submitted to us on October 29, 1973, and did not adequately direct voters to the new polling place.

Lastly, we understand that the new polling place is located approximately 15 blocks from the old polling place, that voters, many of whom are elderly, would have to cross an interstate highway approximately 170 feet wide to reach the new polling place, and that many voters do not have automobiles and no convenient public transportation is available between Precinct 6 and the River Frederick school. We are advised that as a result of these factors a number of black registered voters who would otherwise have voted were unable to vote in the April 1, 1978, election.

Under these circumstances, I am unable to conclude that the polling place change for Ward 7, Precinct 6 does not adversely affect minority participation in the election process. For that reason, I must, on behalf of the Attorney General, interpose an objection to the change in polling place for Ward 7, Precinct 6.

Of, course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the

purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the polling place change for Ward 7, Precinct 6 legally unenforceable.

Due to the pending litigation concerning this change, Louis Charbonnet III, et al. v. Henry E. Braden, IV, et al. C.A. No. 78-1238 (D.D. La.), we are sending copies of this letter to the Court and to counsel for the plaintiff.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division

cc: Gibson Tucker, Esquire

United States District Judge Lansing L. Mitchell