



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

September 17, 1990

Cynthia Y. Rougeou, Esq.
Assistant Attorney General
P. O. Box 94125
Baton Rouge, Louisiana 70804-9125

Dear Ms. Rougeou:

This refers to your request that the Attorney General reconsider and withdraw the September 23, 1988, and May 12, 1989, objections under Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, to the following voting changes for the State of Louisiana:

Orleans Parish Criminal District Court: Act 236 (1972), which creates an additional judgeship and a magistrate, and Act 143 (1975), which creates five additional judges and decreases terms from twelve years to six years;

Orleans Parish Civil District Court: Act 235 (1970), which creates an additional judgeship position (Division J), and Act 129 (1975), which creates five additional judgeships and decreases terms from twelve years to six years.

We received your requests on June 19 and 26 and August 3, 1990; supplemental information was received July 12 and 17, 1990.

This also refers to Act No. 8, S.B. No. 345 (1990), to the extent that it creates the thirteenth and fourteenth at-large judgeships (Divisions M and N) for the Orleans Parish Civil District Court; and provides an implementation schedule therefor

for the State of Louisiana, submitted to the Attorney General pursuant to Section 5. We received your submission on June 19, 1990; supplemental information was received July 12 and 17, 1990.

At the outset, we note that when the state originally submitted Acts 129 and 143 (1975), the submissions characterized the voting changes as an increase from five to ten judgeship positions for both the civil and criminal district courts in Orleans Parish. Although we asked for clarification of the voting changes effected by these statutes, we have not received your response. Our further analysis, however, indicates the following:

(1) Act 129 recodifies ten judgeship positions, eight of which antedate the state's coverage under Section 5 and one of which received the requisite Section 5 preclearance in 1986. Accordingly, the effect of the September 23, 1988, objection applied only to the tenth judgeship position (Division J) for the Orleans Parish Criminal District Court, a position that was initially created under Act 235 (1970) and recodified by Act 129 (1975).

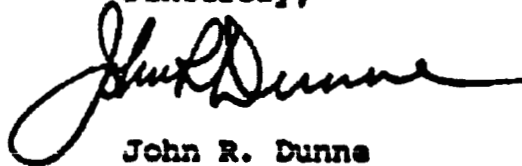
(2) Act 143 (1975) recodifies ten judgeship positions, seven of which antedate the state's coverage under Section 5. Accordingly, the effect of the September 23, 1988, objection to Act 143 (1975) applied only to three judgeship positions for the Orleans Parish Criminal District Court.

We have carefully reviewed the information you have provided, as well as comments and information from other sources and interested parties. Our analysis indicates that the changes do not have the purpose and will not have the effect of discriminating on the basis of race or color and that implementation of the changes will not lead to a clear violation of Section 2 of the Voting Rights Act, 42 U.S.C. 1973. Accordingly, the objections interposed September 23, 1988, and May 12, 1989, to the specified changes for the Orleans Parish Civil and Criminal District Courts are hereby withdrawn. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.48 and 51.55).

With regard to the changes under Act 8 (1990) for the Orleans Parish Civil District Court, 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. See 28 C.F.R. 51.41.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. Dunne". The signature is written in black ink and is positioned above the typed name.

John R. Dunne
Assistant Attorney General
Civil Rights Division

ATTACHMENT A

Judicial District
Court Districts

Objected-to Voting Changes

| | |
|------|---|
| 6th | Act 515 (1974), which creates an additional judgeship and a special election therefor |
| 10th | Act 635 (1979), which redistricts the boundaries of the district |
| 16th | Act 104 (1968), which creates an additional judgeship and a special election therefor Act 56 (1984), which creates an additional judgeship (Division G) |
| 20th | Act 34 (1981), which creates an additional judgeship |
| 21st | Act 9 (1974), which creates an additional judgeship and a special election therefor Act 56 (1984), which creates an additional judgeship (Division F) |
| 23rd | Act 464 (1968), which creates an additional judgeship and a special election therefor |
| 24th | Act 78 (1968), which creates an additional judgeship and a special election therefor Act 674 (1968), which creates an additional judgeship Act 503 (1974), which creates two additional judgeships and the special elections therefor |
| 27th | Act 158 (1971), which creates an additional judgeship and a special election therefor |
| 29th | Act 94 (1970), which creates an additional judgeship Act 56 (1984), which recodifies the additional judgeship under Act 94 (1970) |

Circuit Courts of Appeal

Objected-to Voting Changes

First Circuit,
Districts 2 and 3

Act 114 (1975), which creates an additional judgeship in each district and special election therefor and provides an implementation schedule

Second Circuit

Act 114 (1975), which creates an additional circuitwide judgeship

Act 801 (1987), which creates an additional circuitwide judgeship and special election therefor

Third Circuit

Act 114 (1975), which creates an additional circuitwide judgeship

Third Circuit,
Districts 1, 2, and 3

Act 801 (1987), which creates an additional judgeship in each district and special elections therefor

Act 200 (1987), which changes the special election dates under Act 801 (1987)

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ATTACHMENT B

Judicial Districts

Voting Changes

24th

Act 8 (1990), which creates an additional (sixteenth) judgeship

26th

Act 174 (1989), which creates an additional judgeship

40th

Sections 3(A) and 3(B) of Act 611 (1989) and Act 608 (1989)), which create an additional judgeship position (Division C)

2nd Circuit,
Court of Appeal

Act 8 (1990), which creates a ninth judgeship position to be elected by designated Division C in 2nd Circuit District 3; provides for a change in method of election for 2nd Circuit judges from two elected at-large circuitwide and two elected from each district by designated divisions to three elected from each district by designated divisions, except as specified for the incumbent in the at-large position to be converted to the Division C position of Second Circuit District 2; provides that the judgeship position created by Act 801 (1987) will be elected as the designated Division C position from 2nd Circuit District 1; and provides an implementation schedule therefor