



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

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City Attorney
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Dear Ms. Marcus and Mr. Jones:

This refers to Act No. 6 (1968), which provides that the boundaries of the Shreveport City Court will be expanded to include certain annexations to the City of Shreveport; Act No. 15 (1970), which provides for a third judgeship for the city court (Division "C") and an implementation schedule, including the August and November 1970 special elections; Act No. 501 (1992), which provides for the creation of a fourth city court judgeship (Division "D"), a change in the method of electing city court judges from at large to a system of one multimember district (with designated positions) and one single-member district, the districting plan, and an implementation schedule; and annexations (1966 to 1993), for the Shreveport City Court in Bossier and Caddo Parishes, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the latest submittal of additional information on July 6, 1994.

We have considered carefully the information you have provided, data from the 1990 Census, as well as information from other interested persons. The changes for which preclearance is requested represent all voting changes for the Shreveport City Court since November 1, 1964, the Section 5 coverage date for jurisdictions in Louisiana. As of that date, we understand that the boundaries of the voting constituency of the city court were similar to, but not congruent with, the boundaries of the City of

Shreveport. The city court included all of Ward 4 of Caddo Parish (which consisted primarily of the City of Shreveport) plus the small portion of Bossier Parish within the Shreveport city limits. According to the 1990 Census, that area, which presently constitutes the legal boundaries of the city court with respect to voting, has a total population of approximately 135,000, of whom about 56 percent are black. Also as of November 1, 1964, the court had two judges elected at large, to designated positions, with concurrent terms.

Act No. 8 (1968) clarified the previous description of the Shreveport City Court boundaries, and provided explicitly that annexations to the City of Shreveport outside of Ward 4 would extend the boundaries of the Shreveport City Court. We now have under review hundreds of annexations (between 1966 and 1993) which extended the city boundaries outside Ward 4 and which also extended the city court boundaries. Although these annexations previously were precleared under Section 5 for the City of Shreveport, no preclearance was obtained with regard to their separate effect on the city court voting constituency. Nevertheless, they have been implemented in city court elections. Also submitted for the city court are city annexations within Ward 4, which you indicate effected no change for the city court.

Our analysis of the city court annexations (using 1990 Census data) indicates that they add approximately 64,000 persons to the city court, of whom about 20 percent are black. As a result, the city court population increases to approximately 199,000, of whom about 45 percent are black, which represents an 11 percentage point decrease in the black population percentage. In this enlarged jurisdiction, the State of Louisiana has added two judges. The third judge was added in 1970 in the context of the at-large election system, and also has been implemented despite the absence of Section 5 preclearance. Act No. 501 (1992), which has not been implemented, would add a fourth judge and change the election method to a two-district system in which the new judge would be elected from a black-majority district (73 percent black) while the three other judges would be elected from the remainder of the city court voting constituency (35 percent black).

Our analysis indicates that local judicial elections are characterized by racial bloc voting and that, in this context, the annexations effect a significant reduction in the opportunity of black voters to elect candidates of their choice in city court elections. Under Section 5, when a jurisdiction seeks to expand its electorate in a manner that significantly reduces black voting strength, preclearance may not be granted unless 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).

Our examination of both the election system which is legally effective under Section 5 (*i.e.*, two judges elected at large from designated positions, subject to a majority vote requirement) and the proposed four-judge system indicates that neither system fairly reflects minority voting strength in the expanded jurisdiction. In the presence of polarized voting and other electoral circumstances, the at-large system does not allow black voters the opportunity to elect candidates of their choice (in this regard, we note that black candidates twice have been defeated for the city court by an apparent white bloc vote). While the four-judge system would allow black voters the opportunity to elect their candidate of choice to one judgeship, the use of a triple-member district would essentially continue the at-large system for the other judges thus precluding black voters from having any additional electoral opportunity. Our analysis indicates that alternatives exist which would fairly reflect black voting strength in the enlarged city court jurisdiction.

This analysis of minority electoral opportunity also applies to the addition of the third and fourth judgeships themselves since, under Section 5, where submitted changes involve additional elective positions, those changes must be reviewed in light of the method by which the positions will be elected. In addition, this analysis demonstrates that the proposed system of one single-member district and one triple-member district, considered on its own merits, unnecessarily limits black voting strength.

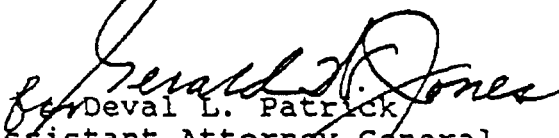
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In addition, the Section 5 Procedures (28 C.F.R. 51.55(b)(2)) require that preclearance be withheld where a change presents a clear violation of the results standard incorporated in Section 2 of the Voting Rights Act, 42 U.S.C. 1973. In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the annexations to the Shreveport City Court, Act No. 8 (1968), to the extent it provides that annexations to the City of Shreveport extend the boundaries of the Shreveport City Court, the addition of the third judgeship and its implementation schedule, the addition of the fourth judgeship, and the two-district method of election proposed in Act No. 501 (1992).

With regard to the districting plan and implementation schedule for the fourth judgeship provided in Act No. 501 (1992), the Attorney General will make no determination. The districting plan is directly related to the objected-to annexations and method of election, see 28 C.F.R. 51.22, and the implementation schedule is no longer capable of administration. See 28 C.F.R. 51.35. Further, no determination is necessary with regard to the city annexations inside Ward 4 since they have not effected any voting change for the city court. See 28 C.F.R. 51.35.

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 objected-to changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. 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 objected-to changes continue to be legally unenforceable. See Clark v. Roemer, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

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. Because the unprecleared annexations and the third judgeship have been implemented in violation of Section 5, we will need to carefully consider what remedial action may be necessary should the state not act to correct or remedy the violation. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,


Deval L. Patrick
Assistant Attorney General
Civil Rights Division