



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

DEC 11 1995

Jerald N. Jones, Esq.
City Attorney
P.O. Box 31109
Shreveport, Louisiana 71130-1109

Dear Mr. Jones:

This refers to the annexation (Ordinance No. 115 (1995)) and its designation to Council District D of the City of Shreveport in Bossier and Caddo Parishes, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on October 10, 1995.

This also refers to the annexation (Ordinance No. 115 (1995)) to the Shreveport City Court in Bossier and Caddo Parishes, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on October 10, 1995.

The Attorney General does not interpose any objection to the annexation insofar as it affects the boundaries of the City of Shreveport and council District D. However, we note that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Insofar as Ordinance No. 115 affects the boundaries of the Shreveport City Court, however, we reach a different conclusion. As you know, on September 6, 1994, the Attorney General interposed objections to all annexations adopted between 1966 and 1993 which expanded the boundaries of the Shreveport City Court, as well as other changes. On September 11, 1995, the Attorney General interposed objections to 11 annexations adopted in 1994 and 1995. Copies of our September 6, 1994, and September 11, 1995, letters are enclosed.

Our prior objection letters noted that the objected-to annexations had a significant dilutive effect on minority voting strength with relation to the election of city court judges and that neither the existing system of electing judges nor the system proposed by 1992 legislation remedied this dilution by affording black voters representation reasonably equivalent to their political strength in the enlarged community. See City of Richmond v. United States, 422 U.S. 358, 370 (1975). You have informed us that no action has been taken since our most recent letter to remedy the concerns that prompted our objections.

We note that the proposed annexation is currently uninhabited. However, it is zoned for residential occupancy, and you have informed us that residential development is planned. Based on existing residential patterns, future residents in this area can be expected to be predominantly white. The newly proposed annexation would therefore increase the dilution of minority voting strength we have previously found to be impermissible under Section 5 of the Voting Rights Act.

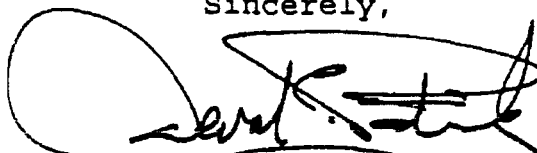
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. Georgia v. United States, 411 U.S. 526 (1973); see also 28 C.F.R. 51.52. In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to Ordinance No. 115 (1995) insofar as it expands the voting constituency of the Shreveport City Court.

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 proposed annexation has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. 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 proposed annexation continues to be legally unenforceable insofar as it affects voting. See Clark v. Roemer, 500 U.S. 646 (1991); Dotson v. City of Indianola, 514 F. Supp. 397, 403 (N.D. Miss. 1981), aff'd mem., 455 U.S. 936 (1982); 28 C.F.R. 51.10.

In our previous letters we noted that because unprecleared annexations and the third judgeship had been implemented in violation of Section 5, we would need to carefully consider what remedial action may be necessary should the state not act to correct or remedy the violation. To enable us to meet our

responsibility to enforce the Voting Rights Act, please continue to inform us of any action the State of Louisiana, on behalf of the Shreveport City Court, plans to take concerning these matters, particularly in light of the fact that city court elections would normally be held in 1996. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval L. Patrick", with a large, stylized flourish on the left side.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

Enclosures