



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

JUN 9 1997

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

Dear Mr. Jones:

This refers to six annexations, (Ordinance Nos. 186-189 and 192-193 (1996)) 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. We received your submission on April 9, 1997.

The Attorney General does not interpose any objection to the annexations effected by Ordinance Nos. 186, 187 and 193 (1996), as we understand that the area annexed by Ordinance No. 187 is zoned for heavy industry, and the areas annexed by Ordinance Nos. 186 and 193 include two business properties, have no current residents and are not scheduled for any future residential development. However, we note that Section 5 expressly provides 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).

We reach a different conclusion, however, regarding Ordinance Nos. 188, 189 and 192 (1996). As you know, the Attorney General has interposed objections to all annexations undertaken between 1966 and 1995 that expanded the boundaries of the Shreveport City Court to include current or projected residential development, as well as to other changes related to city court elections, and has filed a lawsuit to enjoin the city from conducting elections for the Shreveport City Court in these expanded boundaries. United States v. Louisiana, No. CV-96-1903 (W.D. La., filed Aug. 12, 1996). Our most recent objection was interposed on April 11, 1997; four earlier objections were interposed on September 6, 1994, September 11, 1995, December 11, 1995 and October 24, 1996. On the basis of these objections, city court elections were enjoined until Section 5 preclearance is obtained.

In our prior objection letters, we noted that the cumulative effect of the submitted annexations was an 11 percentage point decrease in the black population percentage of the city court. In light of the evidence that local judicial elections are characterized by racial bloc voting, we concluded that the annexations effect a significant reduction in the opportunity of black voters to elect candidates of their choice in city court elections. We noted, however, that these annexations could nevertheless warrant Section 5 preclearance if 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).

No changes to the method of electing the judges of the Shreveport City Court have been adopted by the state legislature since our last annexation objection. Thus, the election system against which we assess the impact of proposed boundary changes remains the same (i.e., the system legally in effect under Section 5 includes two judges elected at large by designated positions, subject to a majority vote requirement).

The areas annexed by Ordinance Nos. 188, 189 and 192, which will add only white population to the boundaries of the city court, reinforce rather than eliminate the reduction in minority voting strength produced by the previous objected-to annexations. Consequently, in the absence of an electoral system that fairly reflects the minority population for the expanded jurisdiction, these annexations are objectionable for the same reasons as those we previously objected to under Section 5.

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 the annexations in Ordinance Nos. 188, 189 and 192 (1996), as they impact the boundaries 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 annexations have 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 annexations continue to be legally unenforceable insofar as they affect 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.

We note that a declaratory judgment is being sought, Louisiana v. United States, No. 97-241 (D.D.C. filed Feb. 4, 1997), for most, but not all, of the annexations that were the subject of prior objections under Section 5. In addition, we understand that the state legislature is considering a change in the method of electing the Shreveport City Court judges, and that Section 5 review will be sought if such a change is finally adopted. As suggested in this letter and our prior objection letters, we are prepared to withdraw our objections to the city court annexations if the retrogressive effect of the annexations is obviated by the adoption of an election system that satisfies the standards articulated by the U.S. Supreme Court in the City of Richmond.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the Shreveport City Court plans to take concerning this matter. If you have any questions, please call Tim Mellett (202) 307-6262, an attorney in the Voting Section.

Sincerely,



Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division