

AUG 15 1975

JSP:JFG:bhj, DJ 166-013-3, V8185, V4495

Mr. Kenneth C. DeJean
Assistant Attorney General
State of Louisiana
Department of Justice
Baton Rouge, Louisiana 70804

Dear Mr. DeJean:

This is in reference to your submission pursuant to Section 3 of the Voting Rights Act of 1965 of Louisiana State Act No. 494 of the 1974 Regular Session which reapportions and redistricts the Orleans Parish Executive Committee. Your submission was completed on June 18, 1975.

The submitted change requires Executive Committee candidates to designate a post and receive a majority of the votes within multi-member districts. We have given careful consideration to the information which has been provided in our evaluation of the submission in order to determine if the change will have the purpose or effect of denying or abridging the right to vote on account of race or color. Because we are unable to conclude that the implementation of Act 494 will not have the proscribed effect, I must, on behalf of the Attorney General interpose an objection to the implementation of that Act.

Our analysis has shown that where, as in Orleans Parish, there is increasing participation in the political process by the black community, that the imposition of designated posts and majority vote requirements in the context of multi-member districts has the proscribed effect of diluting the potential for minority voters to participate in the political process and to elect candidates of their choice.

See White v. Registrar, 412 U.S. 755 (1973); Graves v. Barnes, 343 F. Supp. 704 (W.D. Tex. 1972). See also, Whitcomb v. Chavis, 403 U.S. 124 (1971). In addition, we have also noted that the proposed district lines closely follow the parish ward lines. It was the drawing of district lines along similar ward lines that the Attorney General, in part, based his objection to Act 106 of the 1971 Regular Session. Also, see Bussie v. Governor of Louisiana, 333 F. Supp. 452 (1972).

I would also like to direct your attention to the submission, pursuant to Section 3 of the Voting Rights Act, of Act 107 of the 1971 Regular Session. Although Act 107 (1971) was received June 7, 1972, and additional information was requested by letter dated July 3, 1972, and again by letter dated August 7, 1974, such information has not been provided to this Department.

While the information requested has not been provided, in view of the protracted pendency of this submission and the submission of Act 494 (1974) along with information submitted in connection with our evaluation of Act 494, we have concluded that no useful purpose would be served by further delaying the Attorney General's determination of Act 107. Consequently, we have proceeded to evaluate Act 107 (1971) on the information available. The information which we have evaluated reveals that Act 107 (1971) provided multi-member districts in conjunction with the anti-single shot and majority vote requirement features. Also, the districting plan again closely followed the parish ward lines.

For reasons similar to those which I have based my objection to Act 494 (1974), we have concluded that the state has not met its legal burden of proving that Act 107 (1971) has neither the purpose nor effect of abridging or denying the right to vote on account of race or color. (See 24 C.F.R. 51.19.) Therefore, on behalf of the Attorney General, I must interpose an objection to Act 107 (1971).

Lastly, I would like to call your attention to the provisions of Section 5 which permits you to seek a declaratory judgment from the District Court for the District of Columbia that Acts 494 (1974) and 107 (1971) neither have the purpose nor effect of abridging or denying the right to vote on account of race or color. Until such a judgment is rendered by that Court, however, the legal effect of the Attorney General interposing objections to Acts 494 (1974) and 107 (1971) is to render the acts unenforceable. It is also significant to point out that under the Voting Rights Act all amendments to LSA-R.S. 18:235(a) which affect the standard practice or procedure of voting enacted after November 1, 1964, including Act 14 of the 1966 extra session, are unenforceable unless and until there is review of the change pursuant to Section 5.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division