

VOTING RIGHTS

CONGRESSIONAL REAPPORTIONMENT

Major v. Treen, LDF's highly publicized reapportionment challenge to Louisiana congressional electoral districts went to trial in March 1983 in federal district court. We argued that the plan is in violation of the Voting Rights Act and the constitution.

The plan draws boundaries for the congressional district encompassing Orleans Parish in such a way that blacks, although constituting a majority of New Orleans' population, would be a minority in each of the two new congressional districts.

The Justice Department accepted the "Donald Duck" districts, two oddly-shaped districts that fracture the concentration of the minority vote. LDF is pursuing the matter in court because the Department ignored evidence of blatant racial intent and a discriminatory result.

In January, the Justice Department conceded that memorandum purporting to explain why the diluted plan should be accepted was backdated to justify the Assistant Attorney General's overruling the recommendation of his staff experts that the plan was objectionable.

Mayor "Dutch" Morial testified on behalf of the black plaintiffs. The state's Republican Governor, David Treen, a defendant in the case, testified to his motivation in threatening to veto a majority black congressional district for the City of New Orleans.

Major v. Treen is one of the first cases to be tried under the new strengthened Voting Rights Act in which plaintiffs can prevail without showing defendant's intent but by proving that the plan fractured a concentration of minority voters, resulting in dilution of their voting strength. The case is under submission.

STATEWIDE REAPPORTIONMENT

Gingles v. Edmisten, LDF's challenge to the reapportionment plan to the North Carolina House of Representatives and

Senate is set for trial in July before a three-judge court in Raleigh.

LDF will argue that the reapportionment plan is in violation of the new Section 2 standard of the Voting Rights Act.

LDF filed an *amicus* brief in *Flateau v. Anderson* on behalf of black voters in Rochester, New York. LDF was invited to participate because the interests of black voters outside the counties covered by Section 5 were not being represented by plaintiffs.

State of Tennessee, ex rel Lockert v. Crowell, LDF intervened as defendants on the side of the State of Tennessee in this voting rights reapportionment case.

The basis of intervention was to get the Supreme Court to reverse an earlier ruling of the Chancery Court reducing the size of the State Senate from 33 members to 30 or 31 in order to satisfy the State Constitution, to prevent the institution of an election plan grouping multi-member districts into multi-county districts and to prevent the Chancery Court from ordering or authorizing any reapportionment plan which would have the effect of diluting minority voting strength.

The first objective was achieved in an earlier decision of the Tennessee Supreme Court and confirmed in this ruling. The second and third objectives were achieved in opinion decided by the Chancellor upon remand from the Tennessee Supreme Court.

Although the Chancellor was hostile to us in tone throughout the trial and in the opinion, LDF had no reason to appeal the decision. In the absence of an appeal by one of the losing plaintiffs or by the State, LDF will simply await the State Legislature's next enactment of a reapportionment plan to see if it preserves or enhances minority voting strength.

AT-LARGE ELECTIONS

Settlement was reached in *Bolden v. City of Mobile*, one of the country's leading voting rights cases, bringing to a successful conclusion over eight years of litigation to end at-large elections in the city and to gain access for black citizens to the political process in Mobile.

LDF, on behalf of black voters, entered into an agreement with the City of Mobile and the city commissioners to resolve finally this longstanding voting discrimination litigation.

The settlement brings an end to the costly and lengthy lawsuit and, to the extent possible, takes the courts out of the process of resolving the formation of the new city government in a racially fair manner.

Under the agreement, Mobile has agreed that no further appeal will be taken to defend the use of at-large elections for the city and that if a court-ordered election plan becomes necessary, three city commissioners will be elected from single-member districts. The black plaintiffs, in return, have agreed not to press the courts to order remedial elections sooner than 1985 or such other time as the Alabama Legislature may provide.

Despite evidence of discrimination in Mobile's adoption of its at-large election system, it cost LDF tens of thousands of dollars, at least 6,000 hours of lawyers' time, 80 hours of paralegals' time, 4,400 hours of expert witnesses and research assistants' time and eleven and a half days of trial upon remand to successfully prove intent to the satisfaction of the District Court during a retrial of *Bolden* in April 1982 that was necessitated by the Supreme Court's 1980 ruling.

McCord v. City of Ft. Lauderdale is a challenge to the at-large election system in Ft. Lauderdale, Florida. At-large voting schemes tend to minimize the voting strength of minority groups by permitting the political majority to elect all representatives of the district or other political unit. This occurs in instances where if the political unit were divided into single-member districts several minority representatives might be elected.

McCord, which was filed under the 1982 amendments to the Voting Rights Act of 1965, challenges the process of electing Ft. Lauderdale's four-member city council, all of whom are white. Since 1958, when the first black ran for the city council, only one black has been elected